

Exhibit 24

Deposition of Sean Shelby
(April 12, 2017) (excerpted)

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CUNG LE; NATHAN QUARRY, JON)	
FITCH, on behalf of)	
themselves and all others)	
similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	Case No.
)	2:15-cv-01045-RFB-(PAL)
)	
ZUFFA, LLC, d/b/a Ultimate)	
Fighting Championship and)	
UFC,)	
)	
Defendant.)	
_____)	

CONFIDENTIAL

VIDEOTAPED DEPOSITION OF SEAN SHELBY

Las Vegas, Nevada

April 12, 2017

9:11 a.m.

Reported By:
Gale Salerno, RMR, CCR No. 542
Job No. 49972

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">26</p> <p>1 Q. So when you're trying to set sides for a 2 bout, where do you start? 3 A. You generally try to get the fairest 4 match-up possible. But again, there's so many 5 factors: Which fighters are available, when a 6 fighter wants to fight. 7 You also have to take into account who a 8 fighter wants to fight. I mean, I can't make anybody 9 compete. 10 So you have to talk to both sides, and they 11 both have to agree to it. 12 But, if you look -- you know, and rankings 13 do factor into it if those fighters are ranked or one 14 is and one isn't. 15 Q. The fighters themselves look at the 16 rankings; is that accurate? 17 MR. WIDNELL: Objection. Form. 18 THE WITNESS: I mean, I would assume they 19 do. I can't tell you if they do or don't 20 specifically, but I would assume. 21 BY MR. MADDEN: 22 Q. Well, you said that when they -- that -- 23 strike that. 24 You said that who the fighter wants to 25 fight is part of your matchmaking process, and one of</p>	<p style="text-align: right;">28</p> <p>1 BY MR. MADDEN: 2 Q. Is that accurate? 3 A. I understand what you're saying. Every 4 situation is different. So you could have a fighter 5 who is ranked who requests a similarly ranked 6 fighter. I have had fighters request an unranked 7 fighter. 8 So it -- I mean, it's -- it goes different 9 ways. 10 Q. When you say you've had fighters request an 11 unranked fighter, is that a fighter who is close to 12 getting their title shot? 13 MR. WIDNELL: Objection. Form. 14 When you say "is that a fighter," which 15 fighter are you referring to? 16 THE WITNESS: Yeah, I mean, that's a 17 general statement. I've put a lot of bouts together, 18 so you have to give me some specific examples for me 19 to say yes or no. 20 BY MR. MADDEN: 21 Q. Well, you just said you've had a fighter 22 request an unranked fighter. So I'm asking about the 23 circumstances under which that occurred. 24 MR. WIDNELL: Again, wait for a question 25 before you answer.</p>
<p style="text-align: right;">27</p> <p>1 the things that fighters discuss with you when you're 2 talking to them about that is whether the person is 3 higher ranked than them; is that accurate? 4 MR. WIDNELL: Objection. Misstates 5 testimony. Form. 6 THE WITNESS: I'm not sure what you're 7 asking. 8 BY MR. MADDEN: 9 Q. So it would generally be the case that a 10 fighter who is close to challenging for a title would 11 not want to fight a lower-ranked fighter, a 12 significantly lower-ranked fighter, someone who is 13 not close to challenging for the title in a bout? 14 MR. WIDNELL: Is there a question? 15 THE WITNESS: I'm not sure what you're 16 asking. Can you please rephrase that? 17 BY MR. MADDEN: 18 Q. So if you offer a fight to someone who is 19 close to challenging for a title -- 20 A. Okay. 21 Q. -- and their offered opponent is 22 significantly lower ranked, a fighter, the higher 23 ranked fighter, would not want to take that fight 24 because of the ranking? 25 MR. WIDNELL: Again, is there a question?</p>	<p style="text-align: right;">29</p> <p>1 BY MR. MADDEN: 2 Q. So were the circumstances under which that 3 occurred such that it involved a fighter who was 4 close to challenging for a title requesting an 5 unranked opponent? 6 MR. WIDNELL: Objection. Form. 7 You can answer. 8 THE WITNESS: I mean, it's tough, because I 9 don't want to make the fighter, you know, look bad in 10 any way. But there are fighters -- like I just had a 11 situation where I asked Carla Esparza, she would 12 fight another top ranked fighter, and she didn't want 13 to. She asked for something else. And so I said, 14 well, you know, we'll see if we can do this. And I 15 think in her last bout, she ended up competing 16 against, I think it was Randa Markos, I believe. 17 And in those situations, all you can do is 18 go and ask the other fighter, you know, if they would 19 like to compete as well. And if the other fighter 20 agrees, then you can take it from there. 21 BY MR. MADDEN: 22 Q. So was Carla Esparza in a position to 23 fight for a title soon? 24 A. I mean soon, so when you say "soon," I mean 25 anything can happen because of injuries and whatnot.</p>

8 (Pages 26 to 29)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">30</p> <p>1 There have been fighters that weren't scheduled to</p> <p>2 fight for a title, you know, within six months, eight</p> <p>3 months. And then you have injuries and that changes</p> <p>4 everything all the time.</p> <p>5 Q. So if you had -- what weight division is</p> <p>6 Carla Esparaza?</p> <p>7 A. She's a straw weight.</p> <p>8 Q. So if you had a opportunity for a straw</p> <p>9 weight title fight where the opponent for the current</p> <p>10 champion -- I'm not going to even try to pronounce</p> <p>11 her name --</p> <p>12 A. Joanna Jedrzejczyk?</p> <p>13 Q. Yes. If you had a fight for her, and the</p> <p>14 opponent dropped out, would Carla Esparza be on the</p> <p>15 short list of people for a replacement?</p> <p>16 MR. WIDNELL: Objection. Form.</p> <p>17 THE WITNESS: So there are so many</p> <p>18 variables, it's really hard for me to say that,</p> <p>19 because things change so fast, and you know,</p> <p>20 especially in regards to title fights.</p> <p>21 It's -- you never really want to talk in</p> <p>22 absolutes like that because you can say something,</p> <p>23 and you end up having to change your mind the next</p> <p>24 week. It's just that the circumstances dictate</p> <p>25 that.</p>	<p style="text-align: right;">32</p> <p>1 different factors. I mean, win streaks, who they</p> <p>2 have competed against, how they've looked. I guess</p> <p>3 rankings would factor into that as well.</p> <p>4 Q. So the criteria for who gets the title shot</p> <p>5 is based on win streaks, the quality of the opponents</p> <p>6 in that win streak, and the ranking?</p> <p>7 A. And additionally, athlete availability,</p> <p>8 scheduling. Again, there's a lot of variables.</p> <p>9 Q. Is one of the criteria the number of fights</p> <p>10 left on their contract?</p> <p>11 A. Like, I'm trying to say that --</p> <p>12 Q. I'll rephrase. If they have one fight left</p> <p>13 on their contract, is that a factor in whether you</p> <p>14 would give them a title shot?</p> <p>15 A. For me, I would be willing to put a fighter</p> <p>16 into that situation.</p> <p>17 Q. Have you ever done so?</p> <p>18 A. No, I haven't. I don't think I have.</p> <p>19 Q. Would you first attempt to negotiate an</p> <p>20 extension before you put them into that position?</p> <p>21 A. Sure.</p> <p>22 Q. As part of that negotiation, would you tell</p> <p>23 them that their title shot is coming up?</p> <p>24 MR. WIDNELL: Objection. Form.</p> <p>25 THE WITNESS: Well, again, you know, you</p>
<p style="text-align: right;">31</p> <p>1 BY MR. MADDEN:</p> <p>2 Q. Well, I wasn't speaking in absolutes. I'm</p> <p>3 asking whether she would be on a short list for a</p> <p>4 title --</p> <p>5 A. Considering her ranking, I would assume</p> <p>6 that, you know, that she would have to be.</p> <p>7 If Joanna was in a situation where she was</p> <p>8 to fight, and there weren't a clear opponent for her,</p> <p>9 that I believe -- I'm not sure where Carla was, I</p> <p>10 think she was top five. So in that situation, I</p> <p>11 mean, yeah, it's a possibility.</p> <p>12 Q. So the short list is created based on the</p> <p>13 fighters who are ranked highly in the UFC rankings?</p> <p>14 A. And even then, that's not 100 percent</p> <p>15 accurate to say. I assume that, you know, again, if</p> <p>16 a fighter is scheduled to compete, and, you know, the</p> <p>17 other fighters are having other bouts scheduled,</p> <p>18 other fighters are injured, there's a lot of factors</p> <p>19 that go into it.</p> <p>20 Q. So there are no objective criteria for who</p> <p>21 would get a title fight?</p> <p>22 A. Well, what you do is, I mean, you try to</p> <p>23 put the -- in many cases, you're trying to put the</p> <p>24 fighter who -- and again, I'm sure this is</p> <p>25 subjective -- who deserves based on, I mean, so many</p>	<p style="text-align: right;">33</p> <p>1 have -- it's hard to know if somebody has got a title</p> <p>2 shot coming up. I mean, they could win their next</p> <p>3 one, they could lose their next one. Sometimes</p> <p>4 fighters are all on the right track. You're looking</p> <p>5 at them, and you're like you're on your way, you're</p> <p>6 doing great.</p> <p>7 BY MR. MADDEN:</p> <p>8 Q. Sure. But so a fighter with one fight left</p> <p>9 on their deal --</p> <p>10 A. Uh-huh.</p> <p>11 Q. -- and if I understand your testimony</p> <p>12 correctly, you would be willing to put them in a</p> <p>13 situation where that one fight was a championship</p> <p>14 fight. So my question is, would you -- strike that.</p> <p>15 I believe I also understand your testimony</p> <p>16 to be that you would try to negotiate a new deal with</p> <p>17 them before the title fight, and so my question is</p> <p>18 would you tell them that they would get a title fight</p> <p>19 next if they signed the new deal?</p> <p>20 MR. WIDNELL: Objection. Misstates</p> <p>21 testimony. Calls for speculation.</p> <p>22 THE WITNESS: So when somebody goes, you</p> <p>23 know, say somebody is going to get a title shot, you</p> <p>24 would think that, you know, in many cases, that it</p> <p>25 would be something new if they were to become</p>

9 (Pages 30 to 33)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">34</p> <p>1 champion. Or even just fighting for the title, it's</p> <p>2 a more valuable thing.</p> <p>3 So in actuality, in many cases you want</p> <p>4 them to have a better deal or more money even going</p> <p>5 into that fight.</p> <p>6 BY MR. MADDEN:</p> <p>7 Q. Do you consider story lines when you're</p> <p>8 matching fighters up, like rubber matches, bad blood,</p> <p>9 comeback fights, things along those lines?</p> <p>10 MR. WIDNELL: Objection. Form.</p> <p>11 THE WITNESS: I mean, that's fair to say in</p> <p>12 some cases. There are fighters that say, well, I</p> <p>13 have an issue with another fighter, you know, there's</p> <p>14 things going on between us. And so in some cases you</p> <p>15 would do that.</p> <p>16 BY MR. MADDEN:</p> <p>17 Q. Do you think that makes for better fights?</p> <p>18 A. No, not necessarily. In some cases, you</p> <p>19 know, you're going to get fighters that, you know,</p> <p>20 there's so much disdain for each other, and then when</p> <p>21 it comes time for them to actually compete -- and I'm</p> <p>22 just guessing here, but there's so much for them to</p> <p>23 lose. And in some situations, you actually can get a</p> <p>24 worse fight. That's not every case.</p> <p>25 Q. Is it fair to say that part of your job is</p>	<p style="text-align: right;">36</p> <p>1 to 10:03 a.m.)</p> <p>2 THE VIDEOGRAPHER: We are now back on the</p> <p>3 record. The time is approximately 10:03 a.m.</p> <p>4 BY MR. MADDEN:</p> <p>5 Q. So you have in front of you a document</p> <p>6 that is Bates numbered ZFL1897060, and it ends at</p> <p>7 ZFL1897369. And it's a compilation of text</p> <p>8 messages.</p> <p>9 Is your cell phone number (702) 249 --</p> <p>10 strike that.</p> <p>11 Is your cell phone number (702) 497-8364?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And did you, or do you have --</p> <p>14 strike that.</p> <p>15 Are you the owner of the e-mail address</p> <p>16 SeanShelby@gmail.com?</p> <p>17 A. Yes.</p> <p>18 Q. Are you the only user of that e-mail</p> <p>19 address?</p> <p>20 A. Yes.</p> <p>21 Q. And are you the only user of the cell phone</p> <p>22 number (702) 497-8364?</p> <p>23 A. Yes.</p> <p>24 (Exhibit 3 was marked for</p> <p>25 identification.)</p>
<p style="text-align: right;">35</p> <p>1 to create contenders?</p> <p>2 A. The matches I put together have contenders</p> <p>3 emerge.</p> <p>4 Q. Who is Joe Benavidez?</p> <p>5 A. He's a fighter in the 125-pound weight</p> <p>6 class.</p> <p>7 Q. Is he a higher level fighter than the</p> <p>8 125-pound weight class?</p> <p>9 MR. WIDNELL: Objection. Form.</p> <p>10 THE WITNESS: Yes, he is.</p> <p>11 MR. WIDNELL: If we could take a break at</p> <p>12 some point in the near future, if you want to do that</p> <p>13 before introducing this document, that would be</p> <p>14 great. If you want to do this document and the line</p> <p>15 of questioning for this document, but as we discussed</p> <p>16 earlier --</p> <p>17 MR. MADDEN: Let's mark this as Exhibit 2</p> <p>18 on the record, and then let's take a break.</p> <p>19 MR. WIDNELL: Perfect. Thank you very</p> <p>20 much.</p> <p>21 (Exhibit 2 was marked for</p> <p>22 identification.)</p> <p>23 THE VIDEOGRAPHER: We're now going off the</p> <p>24 record. The time is approximately 9:56 a.m.</p> <p>25 (A recess was taken from 9:56 a.m.</p>	<p style="text-align: right;">37</p> <p>1 BY MR. MADDEN:</p> <p>2 Q. Okay. So the document that's been put in</p> <p>3 front of you as Exhibit 2 has been produced by Zuffa</p> <p>4 as a compilation of text messages that have been</p> <p>5 pulled from your phone.</p> <p>6 And we will go into some of them</p> <p>7 specifically later, but for now, introduced as</p> <p>8 Exhibit 3, is a subset of those text messages.</p> <p>9 If you could take a second to review the</p> <p>10 subset.</p> <p>11 A. Okay.</p> <p>12 Q. So the additional column in the subset,</p> <p>13 I'll state for the record, refers to the Bates number</p> <p>14 on Exhibit 2 where these text messages may be found.</p> <p>15 Now, some of them are incomplete in</p> <p>16 Exhibit 2, and so the column will -- we also received</p> <p>17 individual texts that would have the full message.</p> <p>18 So the column also reflects in some cases where the</p> <p>19 individual text is found where the complete</p> <p>20 information is.</p> <p>21 A. Okay.</p> <p>22 Q. So that's what the column furthest to the</p> <p>23 right Bates refers to.</p> <p>24 Do you recall this text message</p> <p>25 conversation in January of 2015?</p>

10 (Pages 34 to 37)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">38</p> <p>1 A. I don't.</p> <p>2 Q. So as of January of 2015, is it accurate</p> <p>3 that Joe Benavidez had fought only twice in three out</p> <p>4 of the previous four years?</p> <p>5 A. I would have to go back and look</p> <p>6 specifically, but it's possible.</p> <p>7 Q. Was it common for fighters not to get more</p> <p>8 than two bouts in a year at that time?</p> <p>9 MR. WIDNELL: Objection. Form.</p> <p>10 THE WITNESS: Well, there were fighters</p> <p>11 that had gotten two, and fighters that had gotten</p> <p>12 three, and some had four, I think. And maybe more.</p> <p>13 BY MR. MADDEN:</p> <p>14 Q. Did you receive a number of complaints from</p> <p>15 fighters who were idle during that time period?</p> <p>16 MR. WIDNELL: Objection. Form.</p> <p>17 THE WITNESS: I do receive complaints from</p> <p>18 fighters because there are fighters that want to</p> <p>19 fight every month. And then there's some fighters</p> <p>20 that have no intention of fighting even more than</p> <p>21 once a year.</p> <p>22 BY MR. MADDEN:</p> <p>23 Q. So the -- your second text in the chain, as</p> <p>24 reflected in Exhibit 3, can you read me what you</p> <p>25 wrote.</p>	<p style="text-align: right;">40</p> <p>1 have to have somebody challenging for a belt. And</p> <p>2 so, you know, that's fighters working their way up</p> <p>3 the division.</p> <p>4 Q. So contenders are a subset of fighters at</p> <p>5 the top of each division?</p> <p>6 MR. WIDNELL: Objection. Form.</p> <p>7 THE WITNESS: In this context, yes.</p> <p>8 BY MR. MADDEN:</p> <p>9 Q. And what do you do to create contenders?</p> <p>10 A. Well, you try to make the logical match-ups</p> <p>11 that need to -- you know, one guy kind of standing</p> <p>12 out among others, and so the public could even</p> <p>13 recognize it, you know, that, you know, this person</p> <p>14 deserves a title shot.</p> <p>15 Q. So in addition to -- you can put the</p> <p>16 exhibit aside.</p> <p>17 A. Sure.</p> <p>18 Q. Thanks. In addition to your responsibility</p> <p>19 of pitting individual fighters against each other in</p> <p>20 a bout, you also have responsibility for filling bout</p> <p>21 slots and cards; is that accurate? I'll withdraw</p> <p>22 that question.</p> <p>23 For each UFC event, there's a certain</p> <p>24 number of bouts; is that accurate?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">39</p> <p>1 A. Okay. Is it the one where it starts "You</p> <p>2 have an opponent"?</p> <p>3 Q. Correct.</p> <p>4 A. "I have 40 other guys in your weight class</p> <p>5 and 60 bantamweights, 80 featherweight. And I have</p> <p>6 to create contenders above all else right now. A</p> <p>7 logjam I hope is over before the summer."</p> <p>8 Q. In January of 2015, did you have about 40</p> <p>9 flyweight fighters?</p> <p>10 A. It's possible.</p> <p>11 Q. And is the number for bantamweights</p> <p>12 accurate roughly, as well?</p> <p>13 A. Yeah, I would say it's possible. That's</p> <p>14 what I wrote.</p> <p>15 Q. And is the number for featherweights also</p> <p>16 roughly accurate?</p> <p>17 A. I assume it would be. The featherweights</p> <p>18 seem a little bit high, but okay.</p> <p>19 Q. And the featherweights are the 145 guys?</p> <p>20 A. Correct.</p> <p>21 Q. And so you had written, "I have to create</p> <p>22 contenders above all else right now."</p> <p>23 A. Uh-huh.</p> <p>24 Q. What did you mean by that?</p> <p>25 A. Well, you know, at the end of the day, you</p>	<p style="text-align: right;">41</p> <p>1 Q. Okay. And some number of those bouts you</p> <p>2 were responsible for filling with fighters in your</p> <p>3 divisions; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. On a typical card, how many bouts are</p> <p>6 there?</p> <p>7 A. It depends on the state, but there can be</p> <p>8 anywhere from 12 to 14.</p> <p>9 Q. Which -- has that been the case all the way</p> <p>10 through since 2010?</p> <p>11 A. I don't recall. I mean, I would guess. I</p> <p>12 mean, I would have to go back and look specifically.</p> <p>13 Q. But as a general matter, the number of</p> <p>14 bouts on an event card hasn't changed over the last</p> <p>15 seven years?</p> <p>16 MR. WIDNELL: Objection. Asked and</p> <p>17 answered.</p> <p>18 THE WITNESS: I don't know. I mean, it</p> <p>19 could have been at 12 and it moved to, you know, kind</p> <p>20 of more or less than the 13. I'm not sure.</p> <p>21 BY MR. MADDEN:</p> <p>22 Q. Of those 12 to 14 bouts, how many are you</p> <p>23 responsible for in a given card?</p> <p>24 A. Currently?</p> <p>25 Q. Yes.</p>

11 (Pages 38 to 41)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">74</p> <p>1 to come up with the best decision possible.</p> <p>2 BY MR. MADDEN:</p> <p>3 Q. So comparing the Fox events, the events</p> <p>4 that are broadcast on the Fox networks, and the UFC</p> <p>5 numbered events, is there a difference in the quality</p> <p>6 of fighters that appear on the cards?</p> <p>7 MR. WIDNELL: Objection. Form.</p> <p>8 THE WITNESS: Quality as to what?</p> <p>9 BY MR. MADDEN:</p> <p>10 Q. Well, so, I mean, there's championship</p> <p>11 bouts, right?</p> <p>12 A. Correct.</p> <p>13 Q. That's one sort of upper echelon of</p> <p>14 quality. And then there's other, you know,</p> <p>15 high-level fighters, I think you've called them</p> <p>16 contenders, that fight each other that will also</p> <p>17 appear on main cards of numbered events, right?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Do Fox events also feature similar levels</p> <p>20 of competition, including championship bouts and</p> <p>21 fights between contenders?</p> <p>22 A. For the most part, championship bouts are</p> <p>23 on the pay-per-views. But again, you know, we have</p> <p>24 events -- like a Fox event, you could have -- you</p> <p>25 could have somebody who has competed on the main card</p>	<p style="text-align: right;">76</p> <p>1 meeting going over events, then, yeah, that could</p> <p>2 come up. And it could come up from somebody like</p> <p>3 Lawrence Epstein or Lorenzo or Dana. Any number of</p> <p>4 people.</p> <p>5 Q. Who attends these meetings to go over</p> <p>6 events other than Epstein, Lorenzo, Dana, yourself?</p> <p>7 MR. WIDNELL: Objection. Misstates.</p> <p>8 THE WITNESS: I'm trying to think of all</p> <p>9 the people. I mean, it could be anywhere from just</p> <p>10 me and Dana, and now Maynard, or it was Joe Silva, to</p> <p>11 if you're in a scheduling meeting or anything like</p> <p>12 that. I mean, it's just, there's 10 to 12, 15 people</p> <p>13 at times in these meetings. Dropick was in the</p> <p>14 meeting. I couldn't name them all.</p> <p>15 BY MR. MADDEN:</p> <p>16 Q. Is it at those meetings that it's</p> <p>17 determined which bouts go where on the card? So</p> <p>18 whether in a prelim or the main card or the Fight</p> <p>19 Pass prelim?</p> <p>20 MR. WIDNELL: Objection. Form.</p> <p>21 THE WITNESS: That's primarily established</p> <p>22 between the matchmakers and Dana White.</p> <p>23 BY MR. MADDEN:</p> <p>24 Q. So not at the meeting that goes over the</p> <p>25 event?</p>
<p style="text-align: right;">75</p> <p>1 of a numbered event three months ago, and they're on</p> <p>2 the main card of a Fox event now. So it's really all</p> <p>3 over the place.</p> <p>4 Q. So other than the championship bouts, the</p> <p>5 fighters who appear on the Fox events are similar to</p> <p>6 the fighters who appear on the pay-per-view main</p> <p>7 cards?</p> <p>8 MR. WIDNELL: Objection. Misstates.</p> <p>9 THE WITNESS: I would agree with that</p> <p>10 assessment.</p> <p>11 BY MR. MADDEN:</p> <p>12 Q. So when you're filling the bouts for which</p> <p>13 you're responsible for -- and let's start with the</p> <p>14 numbered events, do you have a budget for fighter</p> <p>15 compensation that you have to abide by for your bout</p> <p>16 slots?</p> <p>17 A. I try to -- I'm usually trying to make the</p> <p>18 best card possible at the time, considering</p> <p>19 variables. There have been times where they have</p> <p>20 come back and said, well, this is quite expensive.</p> <p>21 So then you kind of have got to go back to</p> <p>22 the drawing board.</p> <p>23 Q. Who would tell you that it's quite</p> <p>24 expensive?</p> <p>25 A. If you're sitting in, you know, in a</p>	<p style="text-align: right;">77</p> <p>1 A. No, not usually.</p> <p>2 Q. When you find out that there's an event</p> <p>3 that you have bouts to fill, do you and/or Joe start</p> <p>4 with the headliner, or do you just start by putting</p> <p>5 together the bouts that you could make?</p> <p>6 A. Well, that's a difficult question to</p> <p>7 answer, because there's so many variables. Usually</p> <p>8 you start with a date and a location, and then Joe</p> <p>9 and I would start working on a card.</p> <p>10 The problem with it is that, again, there's</p> <p>11 so many variables. There's, you know, you have a</p> <p>12 roster of fighters, but you don't know where they are</p> <p>13 at either physically or mentally. Do they have other</p> <p>14 things going on in their lives? If they can make the</p> <p>15 date, if they agree to the opponent. There's again,</p> <p>16 so many things.</p> <p>17 So sometimes we have a headliner right out</p> <p>18 of the gate, and that's amazing. And sometimes you</p> <p>19 build the undercard, and you have to wait because the</p> <p>20 main event hasn't materialized.</p> <p>21 Q. How far out do you set dates -- withdraw.</p> <p>22 How far out are you made aware of dates and</p> <p>23 locations of events?</p> <p>24 MR. WIDNELL: For what time period?</p> <p>25 MR. MADDEN: Before Joe Silva left the</p>

20 (Pages 74 to 77)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">78</p> <p>1 company.</p> <p>2 THE WITNESS: I think there's a general</p> <p>3 schedule at the beginning of the year.</p> <p>4 BY MR. MADDEN:</p> <p>5 Q. And that schedule goes through the end of</p> <p>6 the year?</p> <p>7 A. I would say it's kind of a skeleton</p> <p>8 schedule. You know, it's kind of locations that you</p> <p>9 want and hope and are working towards.</p> <p>10 But again, I'm not the guy that makes the</p> <p>11 schedule, so I'm not really -- I'm not really aware</p> <p>12 of the process and the exacts of when deals are</p> <p>13 closed, when they get locations and whatnot.</p> <p>14 Q. At what point do you begin setting bouts</p> <p>15 for an event?</p> <p>16 A. We generally try about -- again, I mean,</p> <p>17 the variables are crazy. But, you know, you try in a</p> <p>18 perfect world twelve to eight weeks out.</p> <p>19 Q. Twelve to eight weeks out the location and</p> <p>20 the date is set?</p> <p>21 MR. WIDNELL: Objection. Misstates.</p> <p>22 THE WITNESS: Correct.</p> <p>23 BY MR. MADDEN:</p> <p>24 Q. Do you know whether the date and location</p> <p>25 is set before that point?</p>	<p style="text-align: right;">80</p> <p>1 theoretically, you could have two title fights, say,</p> <p>2 on a card, and you could have the third fight in the</p> <p>3 middle of the card be actually more popular to the</p> <p>4 fans than the two title fights.</p> <p>5 BY MR. MADDEN:</p> <p>6 Q. And so the UFC markets the third fight over</p> <p>7 the headliners and the title fights?</p> <p>8 MR. WIDNELL: Objection. Misstates.</p> <p>9 THE WITNESS: Well, I'm not in the PR</p> <p>10 industry, but I would assume that, you know, if news</p> <p>11 outlets, which are the gateway to the fans, are</p> <p>12 requesting fighters or a fight or take more interest,</p> <p>13 that you're not going to hold those fighters back.</p> <p>14 You're going to give them what they want. And</p> <p>15 thereby, you know, through, you know, kind of</p> <p>16 organically, it would build into a bigger fight.</p> <p>17 BY MR. MADDEN:</p> <p>18 Q. When you say you're going to give them what</p> <p>19 they want, what do you mean by that?</p> <p>20 A. Well, if news outlets or the fans are</p> <p>21 showing more of an interest towards a fight, again,</p> <p>22 I'm not a PR person, but well, that's what I would</p> <p>23 do.</p> <p>24 Q. What would you do?</p> <p>25 A. Well, you would accommodate them.</p>
<p style="text-align: right;">79</p> <p>1 MR. WIDNELL: Objection. Foundation.</p> <p>2 THE WITNESS: I think sometimes the</p> <p>3 location -- actually, I would say like arena location</p> <p>4 is set sometimes right around the time. Sometimes,</p> <p>5 at least from what I think, that -- they're not</p> <p>6 100 percent yet, but you move on and start building</p> <p>7 the card anyways.</p> <p>8 BY MR. MADDEN:</p> <p>9 Q. So for the numbered events, the headliner</p> <p>10 would be the focus of UFC's marketing efforts; is</p> <p>11 that accurate?</p> <p>12 A. Not necessarily in every case.</p> <p>13 Q. Which cases would it not be the case?</p> <p>14 MR. WIDNELL: Objection. Form.</p> <p>15 THE WITNESS: Well, I suppose that you</p> <p>16 could have somebody that the public and the press is</p> <p>17 even more interested in than the actual main event</p> <p>18 itself.</p> <p>19 BY MR. MADDEN:</p> <p>20 Q. In such circumstances, would that event be</p> <p>21 made a co-main event? Or would that bout be made a</p> <p>22 co-main event?</p> <p>23 MR. WIDNELL: Objection. Calls for</p> <p>24 speculation.</p> <p>25 THE WITNESS: Not necessarily, because</p>	<p style="text-align: right;">81</p> <p>1 Q. By doing what?</p> <p>2 A. Well, you would go and if, you know, like</p> <p>3 if say news outlets were putting in more requests for</p> <p>4 a fighter, again, I'm not a PR person, but this is</p> <p>5 what I would do.</p> <p>6 Q. But so I'm just trying to understand your</p> <p>7 answer. So news outlets are putting in more requests</p> <p>8 for a fighter. What kind of requests did news</p> <p>9 outlets put in for a fighter?</p> <p>10 MR. WIDNELL: Objection. Foundation.</p> <p>11 Calls for speculation.</p> <p>12 THE WITNESS: Again, you're kind of asking</p> <p>13 me to be a PR person.</p> <p>14 BY MR. MADDEN:</p> <p>15 Q. I'm just asking you what you mean.</p> <p>16 A. Well, if I'm a manager or whatever else,</p> <p>17 and everybody is coming to me saying, hey, I really</p> <p>18 would like to get some time with your fighter or</p> <p>19 whatever, then, of course you're going to go and</p> <p>20 connect the two.</p> <p>21 Q. So what you're saying is that in some</p> <p>22 cases, the headliners or the championship bouts do</p> <p>23 not generate as much demand from the news or fans for</p> <p>24 the fighter to participate in promotional appearances</p> <p>25 and other activities as another fight on the card?</p>

21 (Pages 78 to 81)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">82</p> <p>1 MR. WIDNELL: Objection. Misstates the 2 testimony which, was discussing a hypothetical, not 3 actual facts. 4 THE WITNESS: Could you restate that? 5 BY MR. MADDEN: 6 Q. So several questions ago I asked whether 7 the headliner was the main focus of the UFC's 8 marketing efforts. And you described a situation in 9 which they might not be, such as when there are 10 requests for appearances or access to a fighter who 11 is not the headliner and/or is not in a championship 12 bout. 13 A. Uh-huh. 14 Q. And so I'm just trying to get clarification 15 on what you are saying there, and is what you're 16 saying that on occasion, based on news and/or fan 17 demand, a fighter that is not the headliner and is 18 not in the championship bout may be made accessible 19 for appearances or interviews or some other form of 20 UFC marketing as opposed to the headliner? 21 MR. WIDNELL: Objection. Misstates 22 testimony. 23 THE WITNESS: That's not exactly what I'm 24 saying. What I'm saying is that you could put a 25 fight on a card, and again, it could, for some</p>	<p style="text-align: right;">84</p> <p>1 feature the names and/or likenesses of the main event 2 fighters? 3 MR. WIDNELL: Objection. No time period 4 specified. 5 THE WITNESS: I mean, yes and no. I mean, 6 there could be the main event fighters. There could 7 be the co-main event fighters. There might be other 8 fighters that they feature. 9 BY MR. MADDEN: 10 Q. So the UFC puts out marketing materials 11 featuring more than just the names and likenesses of 12 the headliners? 13 MR. WIDNELL: Objection. Foundation. No 14 time period specified. 15 THE WITNESS: Are you referring to now 16 or -- 17 BY MR. MADDEN: 18 Q. Does that affect your answer? 19 A. I mean, I don't know anything about that 20 now. And you're also talking about when I did it, 21 you're talking about it, we're talking a long time, 22 years ago. 23 Q. So you don't see any of the UFC's marketing 24 materials now? 25 MR. WIDNELL: Objection. Misstates.</p>
<p style="text-align: right;">83</p> <p>1 reason, whatever reason, it could just generate so 2 much more interest than the ones that are at the top 3 of the card, the main or co-main. Theoretically, 4 that could happen. 5 So you have, again, people in the news 6 outlets or fans just going after that fight, showing 7 more interest in that fight, going to the fighter, 8 going to the managers or agents or whatever have you. 9 And you can, I assume, coming to the UFC saying, hey, 10 we want more information about that bout. We want to 11 write stories on that bout and whatnot. 12 BY MR. MADDEN: 13 Q. So the UFC's advertising materials include 14 billboards and posters and television advertisements, 15 right? 16 MR. WIDNELL: Objection. Foundation. 17 BY MR. MADDEN: 18 Q. And in fact, you used to work on some of 19 those advertisements, right? 20 A. Correct. 21 MR. WIDNELL: Were you asking about the 22 time period when he worked on advertising? 23 MR. MADDEN: I think my question was clear. 24 BY MR. MADDEN: 25 Q. And those posters and billboards will</p>	<p style="text-align: right;">85</p> <p>1 THE WITNESS: I do not focus on UFC 2 marketing materials. I drive by, I'll see a 3 billboard, sure. 4 BY MR. MADDEN: 5 Q. And those billboards feature the names and 6 likenesses of headline fighters? 7 MR. WIDNELL: Objection. Misstates. 8 THE WITNESS: Really, the only one I 9 actually drive by now, you know, when I see it, it's 10 the one out there. And I've seen title fights on it. 11 I've seen fights that aren't title fights on it. 12 BY MR. MADDEN: 13 Q. Are they the headliners on the event 14 whether they're title fighters or not? 15 MR. WIDNELL: Objection. Form. 16 THE WITNESS: I believe I've seen fights 17 that weren't headliners. 18 BY MR. MADDEN: 19 Q. Is it important for marketing purposes that 20 the headliner of a pay-per-view card be either an 21 established star or a championship bout? 22 MR. WIDNELL: Objection. Form. 23 THE WITNESS: Again, I'm not in the PR 24 business or the marketing business. So I assume if 25 you're going to put somebody as the main event you're</p>

22 (Pages 82 to 85)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">114</p> <p>1 BY MR. MADDEN:</p> <p>2 Q. If you can answer without --</p> <p>3 MR. WIDNELL: Without either divulging</p> <p>4 information you got from attorneys related to that</p> <p>5 topic or -- you can go ahead.</p> <p>6 MR. MADDEN: Let me try to rephrase the</p> <p>7 question and you'll probably object anyway, but we'll</p> <p>8 try to do this right.</p> <p>9 BY MR. MADDEN:</p> <p>10 Q. So if a fighter has two fights left on his</p> <p>11 deal, and one of those fights is scheduled, he has an</p> <p>12 opponent and that opponent pulls out and the fight</p> <p>13 can't go forward, is it your understanding that he'll</p> <p>14 be on his last fight?</p> <p>15 MR. WIDNELL: So again, objection to the</p> <p>16 extent that your answer would divulge information you</p> <p>17 got from attorneys giving advice on the legal issue</p> <p>18 of the contract.</p> <p>19 And also separately, and you can answer</p> <p>20 even with it for the second objection, just the</p> <p>21 objection that the question calls for a legal</p> <p>22 conclusion.</p> <p>23 THE WITNESS: I'm not a lawyer. In my</p> <p>24 mind, what I try to do is I still owe him the same</p> <p>25 amount of fights. And I try to get that fighter in,</p>	<p style="text-align: right;">116</p> <p>1 different time periods, but they've provided it with</p> <p>2 their testimony standard form contracts that were in</p> <p>3 effect at various points in time.</p> <p>4 So for fighters that were under that</p> <p>5 standard agreement, if their opponent pulls out of a</p> <p>6 fight, will they get the next level of compensation</p> <p>7 on the next fight?</p> <p>8 MR. WIDNELL: Objection. Foundation.</p> <p>9 You can answer to the extent...</p> <p>10 THE WITNESS: Again, I usually -- so when I</p> <p>11 go and negotiate a deal, it's mainly for the money</p> <p>12 more than anything; the money and the terms, you</p> <p>13 know. The simple things.</p> <p>14 I don't negotiate the minutia of the</p> <p>15 contracts because I'm not a lawyer.</p> <p>16 So from my perspective, more times than</p> <p>17 not, if that situation happened, I would just move</p> <p>18 on, do my best to get them the fight as quickly as</p> <p>19 possible, obviously. And we don't really talk about</p> <p>20 what you're bringing up as far as going to the next</p> <p>21 level.</p> <p>22 BY MR. MADDEN:</p> <p>23 Q. That's handled by the legal department?</p> <p>24 A. Correct.</p> <p>25 Q. So fighters don't ask you what they're</p>
<p style="text-align: right;">115</p> <p>1 who has been obviously inconvenienced to get them in</p> <p>2 as quickly as possible for another fight.</p> <p>3 BY MR. MADDEN:</p> <p>4 Q. And so the -- I also understand that the</p> <p>5 way the typical compensation structure works is that</p> <p>6 compensation increases with wins. So if you win your</p> <p>7 last fight, you move up to the next compensation</p> <p>8 level. Is that right?</p> <p>9 A. Correct.</p> <p>10 Q. And --</p> <p>11 A. Not in all cases. I believe there have</p> <p>12 been other ones where the compensation has stayed the</p> <p>13 same. I think there's been actually agreements where</p> <p>14 compensation went up win or lose.</p> <p>15 Q. But that's dependent upon the agreement</p> <p>16 itself?</p> <p>17 A. Yeah. I mean, listen, every agreement,</p> <p>18 every fighter is its own separate case, right? So</p> <p>19 it's possible that a contract could stay the same.</p> <p>20 It's possible a contract could go up for a loss.</p> <p>21 It's possible that it won't go up for a loss. It's</p> <p>22 variable depending on the fighter.</p> <p>23 Q. So for the standard form agreement, I mean</p> <p>24 Zuffa has provided in this litigation a standard form</p> <p>25 contract that was -- well, different ones for</p>	<p style="text-align: right;">117</p> <p>1 going to get paid in their next bout?</p> <p>2 MR. WIDNELL: Objection. Misstates.</p> <p>3 THE WITNESS: They might have, but I can't</p> <p>4 remember anything specific right now.</p> <p>5 BY MR. MADDEN:</p> <p>6 Q. Does whether a fighter gets compensated</p> <p>7 when the opponent pulls out depend on whether it's</p> <p>8 before or after weigh-ins?</p> <p>9 A. Before or after? No, not necessarily. And</p> <p>10 to be clear, too, there are fighters that have pulled</p> <p>11 out and gone away and they have gotten their full</p> <p>12 win -- show and win money. It's happened, like I</p> <p>13 said, many different ways, so...</p> <p>14 Q. Who determines which way it happens?</p> <p>15 A. That would be Dana.</p> <p>16 Q. Not the legal department?</p> <p>17 A. I don't know if Dana consults the legal</p> <p>18 department.</p> <p>19 Q. Is there a written policy that deals with</p> <p>20 that instance?</p> <p>21 A. Again --</p> <p>22 MR. WIDNELL: Objection. Foundation.</p> <p>23 THE WITNESS: I apologize, sorry.</p> <p>24 I just, like I said, I just deal with the</p> <p>25 fighter and getting them their fights.</p>

30 (Pages 114 to 117)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">118</p> <p>1 (Exhibit 7 was marked for 2 identification.) 3 BY MR. MADDEN: 4 Q. You've been handed what's been marked as 5 Exhibit 7. It's another text compilation between -- 6 well, it's a text compilation that includes multiple 7 parties, but it's not group text, if you understand 8 what I'm saying. 9 A. Uh-huh. 10 Q. The first portion is between you and 11 someone identified as Angela Hill. 12 Who is Angela Hill? 13 A. She's a fighter in the strawweight 14 division. 15 Q. Was she a tough contestant? 16 A. She was. 17 Q. And is that one of Dana White's telephone 18 numbers in the Dana White text at the bottom? 19 A. Can I get a second to read? 20 Q. Please. 21 A. Okay. 22 Q. Is that one of Dana White's telephone 23 numbers? 24 A. It says Dana White. I would assume it's 25 him.</p>	<p style="text-align: right;">120</p> <p>1 And as I told you earlier, you really have 2 ebb and flows. You have to understand that I could 3 have anywhere from 10 percent to 40 percent of the 4 roster at any one time either injured or leave of 5 absence or for any number of reasons. 6 And so at this point, there might have been 7 the majority of the roster coming back from injury, 8 which does happen where I'm just, at one time, I've 9 got a whole bunch of fighters wanting a fight that a 10 month ago weren't injured. Who knows? Or for 11 whatever reason. 12 So yeah, there are times where I've got a 13 lot of fighters who need fights immediately, and then 14 there's times where I don't have any fighters that I 15 can put in a match and then it allows me to sign 16 another fighter. 17 So could there have been a bunch of 18 fighters that wanted to fight at that moment? Sure. 19 Q. So if you'll turn back to Exhibit 3, which 20 is the Joe Benavidez text message conversation. 21 A. Uh-huh. 22 Q. You'll note that it takes place 23 approximately a month later on January 28th. 24 A. Okay. 25 Q. And if you will note on the fourth line,</p>
<p style="text-align: right;">119</p> <p>1 Q. So when Hill wrote to you on December 22nd, 2 she had just come off a win in the Tuf finale against 3 Kagan; is that right? 4 MR. WIDNELL: Objection. Form. 5 THE WITNESS: It could have been. 6 BY MR. MADDEN: 7 Q. And if we can go to your text on the 22nd, 8 can you read that for the record. It's your first 9 text. 10 A. Okay. Good morning -- that's her, sorry. 11 Q. The third row. 12 A. Yeah. "There are a ton of fighters that 13 need fights that haven't fought in months, so it's 14 going to be a while." 15 Q. Is that an accurate statement? 16 A. I mean, it depends on the exact time 17 period. At that time, it -- I mean, it could have 18 been a statement. You have to understand the context 19 is that I believe -- when did she just fight? She 20 fought probably in December, so I don't remember when 21 she fought. 22 But so this is Angela asking me, hey, I 23 want to fight ASAP. Which is, like I said, a lot of 24 fighters are, you know, hey, I just fought, I want to 25 fight right away again.</p>	<p style="text-align: right;">121</p> <p>1 your text. 2 A. Uh-huh. 3 Q. We read it into the record before. You 4 said that you have a logjam that you hope is over 5 before summer. 6 A. Uh-huh. 7 Q. Does that refresh your recollection as to 8 whether you accurately said that you've had multiple 9 fighters who have -- haven't fought in months so it's 10 going to be a while? 11 MR. WIDNELL: Objection. Form. 12 THE WITNESS: Well, I mean you're saying 13 these two things are really close to each other. 14 BY MR. MADDEN: 15 Q. Yes. 16 A. So as I said earlier, I mean, it's really 17 possible that I could have gotten a number of 18 fighters that were available that weren't available 19 before. 20 And if -- I'm not sure, but I think that 21 Angela probably fought before this. And so, you 22 know, there are fighters waiting and then there's 23 fighters that just fought. And then that fighter 24 might go here, and then these fighters are going to 25 get a fight now.</p>

31 (Pages 118 to 121)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">122</p> <p>1 And so sometimes it's kind of hard to</p> <p>2 explain to the fighters, listen, I know you just</p> <p>3 fought and you want to turn around and you want to</p> <p>4 fight right away again, but there's other fighters</p> <p>5 waiting for a fight as well.</p> <p>6 And so I'm going to, depending on the</p> <p>7 circumstance, because as we discussed earlier,</p> <p>8 there's so many variables, right?</p> <p>9 So in her division, there's probably other</p> <p>10 women that I'm going to put in a bout now, and then</p> <p>11 I'm going to get her another fight.</p> <p>12 The worst thing that I could do is go,</p> <p>13 Angela, I promise you I'm going to put you in, and</p> <p>14 then I don't make good on my promise. I don't want</p> <p>15 to do that, you know.</p> <p>16 So what I'm trying to do, especially with</p> <p>17 fighters, I'm trying to temper their expectations.</p> <p>18 And so they're not expecting something.</p> <p>19 Again, because of variables, anything can</p> <p>20 happen. And then I'm stuck with her going but you</p> <p>21 told me, but you told me, you know?</p> <p>22 So I'm always trying to be kind of kids</p> <p>23 gloves and respectful at the same time with the</p> <p>24 fighters.</p> <p>25 So this is a conversation with these two</p>	<p style="text-align: right;">124</p> <p>1 waiting since October. And when I say waiting, I</p> <p>2 mean fighters that might have been injured last year</p> <p>3 and now they're coming back.</p> <p>4 The other thing you don't want to do is you</p> <p>5 don't want a fighter, especially if they're injured,</p> <p>6 and they're coming back and make them wait even</p> <p>7 longer. There's something to be said for brain rust</p> <p>8 and other things like that.</p> <p>9 So even if that fighter was injured until</p> <p>10 say December, and it was because of them that they</p> <p>11 weren't allowed to fight, you still want to get them</p> <p>12 in as soon as you can.</p> <p>13 So, you know -- and I'm not sure, but if</p> <p>14 Angela had just fought, you want to get those people</p> <p>15 in first, obviously.</p> <p>16 And again, there's so many different</p> <p>17 variables here, and there's so many different reasons</p> <p>18 why these other fighters might not have fought.</p> <p>19 Q. These other 76 fighters?</p> <p>20 A. Again, I'm not opening up my roster. And</p> <p>21 I'm giving her a number, you know? So I'm not</p> <p>22 counting as I'm texting her.</p> <p>23 Q. But you did know that you had 30 to 40,</p> <p>24 which is a range, that had not fought since at least</p> <p>25 October?</p>
<p style="text-align: right;">123</p> <p>1 kind of match, and I'm trying to be respectful to</p> <p>2 them, but also let them know kind of the things I'm</p> <p>3 dealing with.</p> <p>4 Remember, we're talking text messaging,</p> <p>5 too. If you want to get on the phone, we can talk</p> <p>6 for an hour about variables and situations. But over</p> <p>7 texts, this is the fastest way to kind of explain</p> <p>8 things to them that there are other fighters in the</p> <p>9 division, there are fighters that were waiting before</p> <p>10 to fight and now it's their turn.</p> <p>11 Q. And you only have so many slots on a card</p> <p>12 to fill bouts, right? You only have so many bouts to</p> <p>13 fill with fighters?</p> <p>14 A. Sure.</p> <p>15 Q. And so you're limited in your ability to</p> <p>16 put fighters on a card by the number of bout slots</p> <p>17 you have?</p> <p>18 A. Sure, that's accurate.</p> <p>19 Q. And so when you wrote there are 76 other</p> <p>20 fighters also needing a fight, and 30 to 40 who</p> <p>21 haven't fought since at least October, you're</p> <p>22 basically telling her that you have fighters who have</p> <p>23 already been waiting, you know, three or more months</p> <p>24 that need to fight before you get to fight?</p> <p>25 A. Well, okay, there's fighters that have been</p>	<p style="text-align: right;">125</p> <p>1 A. Probably. And like I said, I mean, you can</p> <p>2 go anywhere from 10 to 40 percent of your roster</p> <p>3 being injured at any one time, you know? And there</p> <p>4 are, too, I'm sure, I assume, during this time</p> <p>5 period, we were still doing maybe between 41 and 45</p> <p>6 events.</p> <p>7 At any point, I have got to think, but</p> <p>8 right now I'm probably putting together five cards,</p> <p>9 six, seven cards, eight cards out.</p> <p>10 So if you do the math on that, take all of</p> <p>11 the fighters on those cards, right? And those are</p> <p>12 the number of slots that I'm making right now.</p> <p>13 So once I get those fighters put into a</p> <p>14 slot, then I can go to Angela and put her in another</p> <p>15 slot.</p> <p>16 So there might be 30, but those 30 could be</p> <p>17 gobbled up in a week, might be 40.</p> <p>18 Q. And you start setting the cards eight to</p> <p>19 twelve weeks out?</p> <p>20 A. It's possible.</p> <p>21 Q. So you've got five to eight cards over the</p> <p>22 course of those eight to twelve weeks?</p> <p>23 A. I'm guessing. And again, it changes. July</p> <p>24 we're doing five cards in a month, I believe.</p> <p>25 So, you know, there could be 30 fighters</p>

32 (Pages 122 to 125)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">126</p> <p>1 waiting for a fight, and all 30 fighters could be 2 taken in a month and a half. 3 Again, you're really -- it's a really 4 difficult -- it's not an exact science to do this. 5 And so like I said, there's so many variables you're 6 dealing with at any one time. 7 The entire complexion of my roster could 8 change in two months. 9 Q. So did you understand that the reason Hill 10 was bugging you for another fight was because she 11 needed money? 12 MR. WIDNELL: Objection. Form. 13 THE WITNESS: I mean, is she telling me 14 here that she needs money? 15 BY MR. MADDEN: 16 Q. You can read her next text to you at 17 1:55 p.m. 18 A. Okay. 19 Q. So under her UFC contract, she would only 20 get paid if she fought, right? 21 A. Uh-huh. 22 Q. And so by having to wait for other fighters 23 to be placed in scheduled events, she was not earning 24 money from the UFC; is that right? 25 A. No.</p>	<p style="text-align: right;">128</p> <p>1 Q. So at the bottom of this page, you had an 2 exchange with Jessamyn Duke. Who is she? 3 A. She was a fighter in the bantamweight 4 division. 5 Q. And that's the 135 women? 6 A. Correct. 7 Q. And this exchange occurred six months 8 before the Angela Hill exchange? 9 A. Okay. 10 Q. And you asked her -- can you read your text 11 message, second to last text? 12 A. The very thing? 13 Q. Beginning with "let me know." 14 A. Okay. 15 Q. Can you read that to the record? 16 A. "Let me know ASAP then. I've got too many 17 fighters and not enough fights at the moment." 18 Q. So are you expressing the fact that you had 19 a logjam as of June of 2014 in your ability to get 20 fighters under your umbrella into bouts? 21 MR. WIDNELL: Objection. Form. 22 THE WITNESS: Well, as I said prior, the 23 entire complexion can change in two months. It can 24 change in a month. So I'm telling her right now, I 25 mean, it happens.</p>
<p style="text-align: right;">127</p> <p>1 MR. WIDNELL: Objection. Form. 2 BY MR. MADDEN: 3 Q. And if you continue down the text chain, 4 you then reached out to Dana White after you gave 5 Ms. Hill the contact number for his secretary, 6 warning him that this was coming down the line; is 7 that right? 8 A. Sure. 9 Q. And he wrote on the 29th, "LOL, exclamation 10 point, women." 11 A. Uh-huh. 12 Q. And then later that, "Joe was smart to give 13 them to you." 14 But it wasn't just women that were 15 contacting you, right? 16 MR. WIDNELL: Objection. Form. 17 Foundation. 18 BY MR. MADDEN: 19 Q. For additional fights? 20 A. We have men and women, so yeah. And you 21 can see Joe Benavidez is asking here, so yes. 22 Q. So if you would turn to page 268 of 23 Exhibit 2. The Bates number of that page is 24 ZFL1897327. 25 A. Okay.</p>	<p style="text-align: right;">129</p> <p>1 BY MR. MADDEN: 2 Q. So at the moment of June 9th, 2014, that 3 was an accurate factual statement? 4 A. It may have been. You have to understand 5 that, you know, things change so fast, and when 6 you're talking to these fighters, and I'm asking her 7 to let me know right away, and then you're giving her 8 a condition after that. So I need some information. 9 Q. So were you not being truthful when you 10 told her you had too many fighters and not enough 11 fights at the moment? 12 MR. WIDNELL: Objection. Misstates. 13 THE WITNESS: No. I mean, listen, it might 14 have been at that moment. 15 You have to understand, I mean you're 16 picking out moments in time, and there were moments 17 in time when I didn't have enough fighters. Like I 18 said, it really -- this position that I'm in and Joe 19 was in is such a tough thing because you are trying 20 to get fighters fights. And because of the 21 variables, as I stated before, it's a difficult 22 position. 23 BY MR. MADDEN: 24 Q. For all of the fighters that you were 25 charged with putting in bouts in your divisions, UFC</p>

33 (Pages 126 to 129)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">130</p> <p>1 contracts only had them getting paid if they fought, right?</p> <p>2</p> <p>3 MR. WIDNELL: Objection. Foundation.</p> <p>4 THE WITNESS: I don't know. Like I said, I</p> <p>5 only -- I only operated under the realm of -- because</p> <p>6 for me, the fighters were primarily just interested</p> <p>7 in the big, you know, the money. And so that's what</p> <p>8 I negotiated with them.</p> <p>9 And I didn't negotiate every deal. So I'm</p> <p>10 not really sure. There are deals that Dana did and</p> <p>11 Lorenzo did and Joe did.</p> <p>12 So to make a blanket statement like that, I</p> <p>13 don't really have that information.</p> <p>14 BY MR. MADDEN:</p> <p>15 Q. The money that you negotiated with them was</p> <p>16 bout compensation, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And that's only paid if they fight?</p> <p>19 A. Yes. Correct. And that was my realm.</p> <p>20 Q. The UFC doesn't generally pay for fighters'</p> <p>21 training costs, right?</p> <p>22 MR. WIDNELL: Objection. Foundation.</p> <p>23 THE WITNESS: Generally, not to my</p> <p>24 knowledge, no.</p> <p>25</p>	<p style="text-align: right;">132</p> <p>1 with the trainers or the gyms. In some cases they</p> <p>2 own their own gyms. So they come and they fight in</p> <p>3 the UFC and it elevates their gym, so...</p> <p>4 BY MR. MADDEN:</p> <p>5 Q. And fighters carry their own costs of</p> <p>6 hiring coaches?</p> <p>7 MR. WIDNELL: Objection. Form.</p> <p>8 THE WITNESS: Again, I don't know how that</p> <p>9 end works for the majority of it. I'm sure some do.</p> <p>10 BY MR. MADDEN:</p> <p>11 Q. Does Zuffa pay it? Pay coaches for</p> <p>12 fighters?</p> <p>13 MR. WIDNELL: Objection. Form.</p> <p>14 THE WITNESS: Not to my knowledge.</p> <p>15 BY MR. MADDEN:</p> <p>16 Q. Does Zuffa pay for nutritionists for</p> <p>17 fighters?</p> <p>18 MR. WIDNELL: Objection. Form.</p> <p>19 THE WITNESS: There was only once where, my</p> <p>20 understanding is that a nutritionist was paid for.</p> <p>21 BY MR. MADDEN:</p> <p>22 Q. And is that the case of Chris Justino?</p> <p>23 A. Correct.</p> <p>24 Q. And she's never fought a bout in the UFC;</p> <p>25 is that right?</p>
<p style="text-align: right;">131</p> <p>1 BY MR. MADDEN:</p> <p>2 Q. There have been isolated instances where</p> <p>3 the UFC has given a fighter money for training?</p> <p>4 MR. WIDNELL: Objection. Foundation.</p> <p>5 THE WITNESS: There may have.</p> <p>6 BY MR. MADDEN:</p> <p>7 Q. Have fighters asked you for training costs?</p> <p>8 MR. WIDNELL: Objection. Form.</p> <p>9 THE WITNESS: I can't remember. There</p> <p>10 might have been.</p> <p>11 BY MR. MADDEN:</p> <p>12 Q. When you negotiate contracts with fighters,</p> <p>13 do they ask for payments for their training?</p> <p>14 MR. WIDNELL: Objection. Form.</p> <p>15 THE WITNESS: Generally, no.</p> <p>16 BY MR. MADDEN:</p> <p>17 Q. For their gym memberships?</p> <p>18 A. Gym membership? I don't think I've heard</p> <p>19 that one. Maybe, but you know, that's a separate</p> <p>20 specific thing.</p> <p>21 Q. So generally fighters would pay for their</p> <p>22 own gym memberships?</p> <p>23 MR. WIDNELL: Objection. Form.</p> <p>24 THE WITNESS: I don't know generally. I</p> <p>25 mean, I'm not sure how the fighter works out his deal</p>	<p style="text-align: right;">133</p> <p>1 A. She's fought in the UFC.</p> <p>2 Q. When?</p> <p>3 A. She's fought two or three times now in the</p> <p>4 UFC. I can't remember the exact dates.</p> <p>5 Q. In the 135 division?</p> <p>6 A. No. I believe 140 catch weight. Maybe</p> <p>7 145. But she's never competed 135 in UFC.</p> <p>8 Q. And UFC has only held, I believe you</p> <p>9 testified earlier, one or two fights at 145; is that</p> <p>10 right?</p> <p>11 A. I believe, yeah, one or two fights.</p> <p>12 Q. And so those were both Chris Justino</p> <p>13 fights?</p> <p>14 A. No. We offered her twice at 145 for the</p> <p>15 title and she declined.</p> <p>16 There was a bout with Holly Holm and</p> <p>17 Jimmy Derrumbe. That was for the 145-pound title.</p> <p>18 Q. Does the UFC compensate sparring partners</p> <p>19 for fighters?</p> <p>20 MR. WIDNELL: Objection. Form.</p> <p>21 THE WITNESS: Not to my knowledge.</p> <p>22 BY MR. MADDEN:</p> <p>23 Q. Does the UFC pay for, or does Zuffa pay</p> <p>24 for health insurance for fighters who are out of</p> <p>25 competition?</p>

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">158</p> <p>1 Q. And Exhibit B-2 is optional contracts.</p> <p>2 A. Okay.</p> <p>3 Q. And I believe, though we can check --</p> <p>4 withdrawn.</p> <p>5 So Mizuki Inoue is listed on the assumed</p> <p>6 contracts exhibit. Did I misunderstand your</p> <p>7 testimony that she did not come over to the UFC at</p> <p>8 that point?</p> <p>9 A. No. I was never able to include her.</p> <p>10 Q. For the other fighters on Exhibit B-1, did</p> <p>11 they all become UFC fighters on or after December of</p> <p>12 2013?</p> <p>13 A. Yes.</p> <p>14 Q. Exhibit B-2, the optional contracts, did</p> <p>15 all of those fighters become UFC fighters on or after</p> <p>16 December of 2013?</p> <p>17 A. The one that I'm not sure of is Katja.</p> <p>18 Q. Okay. Did you not want Katja?</p> <p>19 A. I can't recall why. It may have been. And</p> <p>20 this was a while ago, five years ago.</p> <p>21 (Exhibit 12 was marked for</p> <p>22 identification.)</p> <p>23 BY MR. MADDEN:</p> <p>24 Q. You've been handed what's been marked</p> <p>25 Exhibit 12. It's a printout of the current, as of</p>	<p style="text-align: right;">160</p> <p>1 listed here, do you believe that these fighters</p> <p>2 comprise the best fighters in the 115-pound division</p> <p>3 for women?</p> <p>4 MR. WIDNELL: Objection. Form.</p> <p>5 BY MR. MADDEN:</p> <p>6 Q. Across promotions.</p> <p>7 A. I'm trying to figure out, you're asking me</p> <p>8 if I agree with these, this? I don't agree with the</p> <p>9 entirety of this. Not absolutely, no.</p> <p>10 Q. What don't you agree with?</p> <p>11 A. I think -- I think Livia deserves to be way</p> <p>12 up there. I think Mizuki probably deserves to be in</p> <p>13 there somewhere. And I am sure that there are other</p> <p>14 women that, you know, you could -- you could put</p> <p>15 anywhere in that top ten.</p> <p>16 If you want me to go and, you know, take a</p> <p>17 day and review all the women in the world and give</p> <p>18 you my top ten, I would be glad to do that.</p> <p>19 But this is somebody else's, and so I don't</p> <p>20 think you're going to have everybody all agree on one</p> <p>21 consensus.</p> <p>22 That's kind of the cool thing about a top</p> <p>23 ten, it gets everybody talking.</p> <p>24 Q. Okay. So after acquiring fighters from</p> <p>25 Invicta, the UFC had a season of the Ultimate Fighter</p>
<p style="text-align: right;">159</p> <p>1 March 20th, 2017, rankings in the various women's</p> <p>2 divisions from the same MMA Rising website.</p> <p>3 The second page has a ranking of</p> <p>4 strawweights. That's the 115-pound division.</p> <p>5 First, is Livia Renata Souza, is she in the</p> <p>6 UFC?</p> <p>7 A. Where is she on here?</p> <p>8 Q. She's in the contenders field beneath the</p> <p>9 top ten.</p> <p>10 A. No. I think she's, sorry, in Invicta.</p> <p>11 Q. And Randa Markos, she's a UFC fighter?</p> <p>12 A. Yes.</p> <p>13 Q. Carla Esparza is a UFC fighter?</p> <p>14 A. Yes.</p> <p>15 Q. Juliana Lima?</p> <p>16 A. Yes.</p> <p>17 Q. And we've talked about Michelle Waterson.</p> <p>18 She's a UFC fighter. And all of the top ten are UFC</p> <p>19 fighters?</p> <p>20 MR. WIDNELL: Objection. Misstates the</p> <p>21 document.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MR. MADDEN:</p> <p>24 Q. Putting aside the individual rankings</p> <p>25 between the individual fighters and the contenders</p>	<p style="text-align: right;">161</p> <p>1 devoted to women's strawweight; is that correct?</p> <p>2 A. Correct.</p> <p>3 I'm sorry, can I put some of this away?</p> <p>4 Q. Yes. We are going to turn back to</p> <p>5 Exhibit 2 right now.</p> <p>6 A. Is it okay if I put this away?</p> <p>7 Q. Yes. We will not be going back to that.</p> <p>8 A. Sorry, I just have so much here. I just</p> <p>9 want to make sure that...</p> <p>10 MR. WIDNELL: Take these guys and just hand</p> <p>11 them back in the stack.</p> <p>12 That's Exhibit 2 that you want to go back</p> <p>13 to?</p> <p>14 MR. MADDEN: Yes. The large compendium.</p> <p>15 MR. WIDNELL: And what page is it?</p> <p>16 MR. MADDEN: You know what? I might be</p> <p>17 able to do one better.</p> <p>18 BY MR. MADDEN:</p> <p>19 Q. So page 104.</p> <p>20 A. 104.</p> <p>21 Q. Bates number ZFL1897163.</p> <p>22 A. Okay.</p> <p>23 Q. So this page reflects a series of texts</p> <p>24 from November 29th, 2013 and November 28th, 2014.</p> <p>25 I would like to focus us on a series of</p>

41 (Pages 158 to 161)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">162</p> <p>1 texts from November 29th, 2013 between yourself and</p> <p>2 Shu Hirata.</p> <p>3 A. Okay. So that's the majority of the page</p> <p>4 here?</p> <p>5 Q. Correct.</p> <p>6 A. Okay.</p> <p>7 Q. So if you could just take a minute to read</p> <p>8 through the conversation.</p> <p>9 A. Sure. Okay.</p> <p>10 Q. So in particular, I would like to focus on</p> <p>11 the text starting at 12:29 a.m.</p> <p>12 A. Oh, boy.</p> <p>13 Q. Shu wrote to you, "Jessica Aguilar will be</p> <p>14 fighting our client from Japan too, just so you</p> <p>15 know."</p> <p>16 Who is Jessica Aguilar?</p> <p>17 A. She's a fighter in the strawweight</p> <p>18 division.</p> <p>19 Q. And at that time, who was she with?</p> <p>20 A. I don't know.</p> <p>21 Q. And then she wrote, "So they're having a</p> <p>22 hard time getting 115-pound girls because everyone</p> <p>23 are signed to Invicta."</p> <p>24 And you responded. Can you read your</p> <p>25 response?</p>	<p style="text-align: right;">164</p> <p>1 from January 18th, 2014 concerning -- or this is a</p> <p>2 period that's after the acquisition of the rights to</p> <p>3 fighters in Invicta's 115-pound division.</p> <p>4 A. Uh-huh.</p> <p>5 Q. Lorenzo asks you whether Jessica Aguilar is</p> <p>6 really the number one strawweight. Do you see that?</p> <p>7 A. I see that.</p> <p>8 Q. And what do you respond?</p> <p>9 A. "She was signed to WSOF before we jumped</p> <p>10 into 115 pounds. You could argue that, but she does</p> <p>11 go to split decisions a lot. And to be the best, you</p> <p>12 have to keep fighting the best, which can't happen in</p> <p>13 WSOF. Claudia Gadelha is 11 and 0, and I think a lot</p> <p>14 better. Tonight is the first time she's finished a</p> <p>15 fight in four years."</p> <p>16 Q. And then if you could jump down past the</p> <p>17 discussion of the belt design and read your next</p> <p>18 text.</p> <p>19 A. "I heard since we announced 115 pounds and</p> <p>20 tryouts coming for Tuf" World Series -- "WSOF can't</p> <p>21 get anyone of any talent in there."</p> <p>22 Q. In Exhibit 13, are your reference to WSOF</p> <p>23 references to the World Series of Fighting?</p> <p>24 A. Correct.</p> <p>25 Q. And your statement that to be the best, you</p>
<p style="text-align: right;">163</p> <p>1 A. It says, "World Series of Fighting won't</p> <p>2 get any 115-pound women now that we are going down</p> <p>3 that route."</p> <p>4 Q. And then Shu responded, "I agree. I don't</p> <p>5 know why they signed Jessica."</p> <p>6 Does that refresh your recollection as to</p> <p>7 who Jessica Aguilar was signed to at that time?</p> <p>8 A. Yeah. I mean, she was probably fighting</p> <p>9 for World Series of Fighting at that time. I'm not</p> <p>10 sure if she was exclusive to them, but, yeah.</p> <p>11 Q. So you can put that aside for the time</p> <p>12 being.</p> <p>13 A. Wait, I should probably put it back in</p> <p>14 there.</p> <p>15 Q. And we are now at Exhibit 13.</p> <p>16 (Exhibit 13 was marked for</p> <p>17 identification.)</p> <p>18 BY MR. MADDEN:</p> <p>19 Q. So the text messages that we just reviewed</p> <p>20 with Shu Hirata were from late November of 2013,</p> <p>21 before Zuffa purchased fighter rights from Invicta in</p> <p>22 December of 2013.</p> <p>23 A. Uh-huh.</p> <p>24 Q. Exhibit 13 that you've just been handed is</p> <p>25 a text message chain between you and Lorenzo Fertitta</p>	<p style="text-align: right;">165</p> <p>1 have to keep fighting the best, is that a statement</p> <p>2 that you agree with?</p> <p>3 MR. WIDNELL: Objection. Form.</p> <p>4 THE WITNESS: Depends on what context. If</p> <p>5 he's asking me really the number one, meaning the one</p> <p>6 that fights the best, then I agree with that</p> <p>7 statement.</p> <p>8 BY MR. MADDEN:</p> <p>9 Q. Are you familiar with the concept of a</p> <p>10 lineal champion?</p> <p>11 A. I am.</p> <p>12 Q. Can you describe it for me.</p> <p>13 A. A lineal champion is somebody who has</p> <p>14 beaten, say, there's somebody who is champion of an</p> <p>15 organization, but that person lost at some point</p> <p>16 before to another person, well, then that person</p> <p>17 would be not necessarily recognized as the</p> <p>18 organizational champion, but the lineal champion, is</p> <p>19 my understanding.</p> <p>20 Q. So does Zuffa keep track of who lineal</p> <p>21 champions are?</p> <p>22 MR. WIDNELL: Objection. Foundation.</p> <p>23 THE WITNESS: I don't know if anybody else</p> <p>24 does in the Zuffa office. But it's not something</p> <p>25 that I'm looking at. I mean, it's not something I</p>

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">166</p> <p>1 focus on. I don't think too many people know exactly</p> <p>2 what a lineal champion is. Boxing uses it quite a</p> <p>3 bit.</p> <p>4 BY MR. MADDEN:</p> <p>5 Q. There are many promoters that co-promote</p> <p>6 fights in boxing, right?</p> <p>7 MR. WIDNELL: Objection. Foundation.</p> <p>8 THE WITNESS: I'm not in the boxing</p> <p>9 business.</p> <p>10 BY MR. MADDEN:</p> <p>11 Q. So when you say that "to be the best you</p> <p>12 have to keep fighting the best," is that a reason</p> <p>13 that aspiring top fighters are attracted to the UFC</p> <p>14 over other promotions?</p> <p>15 MR. WIDNELL: Objection. Foundation.</p> <p>16 THE WITNESS: I'm sure that there's a</p> <p>17 number of reasons why fighters want to be in one</p> <p>18 place or the other. So I couldn't answer that. I'm</p> <p>19 not a fighter.</p> <p>20 BY MR. MADDEN:</p> <p>21 Q. Well, you're aware of numerous instances</p> <p>22 where fighters turn down other promoters to fight</p> <p>23 with UFC, right?</p> <p>24 A. Yeah. But I've been turned down as well.</p> <p>25 Q. Do you know who Louis Smolka is?</p>	<p style="text-align: right;">168</p> <p>1 the champion in PXC?</p> <p>2 A. He could have been.</p> <p>3 Q. What is PXC?</p> <p>4 A. PXC is another promotion.</p> <p>5 Q. Where is it?</p> <p>6 A. I believe it's -- I believe they do fights</p> <p>7 in the Pacific, like Guam, Hawaii. In that region.</p> <p>8 Q. Does it stand for Pacific Extreme Combat?</p> <p>9 A. Honestly, I don't know.</p> <p>10 Q. So Smolka was not under contract with the</p> <p>11 UFC as of November 22nd, 2013?</p> <p>12 A. No. In reading this, it appears not.</p> <p>13 Q. Did you understand him to have a contract</p> <p>14 in hand from One FC at the time?</p> <p>15 A. I'm sorry, gentlemen. But I really have to</p> <p>16 look at this.</p> <p>17 So he's saying, his coach wants to -- wants</p> <p>18 him to -- sorry. Okay, so what are you asking me?</p> <p>19 Q. Did you understand him to have had a deal</p> <p>20 offer in hand from One FC in November of 2013?</p> <p>21 A. This is what Jason House is texting me.</p> <p>22 But I have no real knowledge if that's the truth</p> <p>23 because one of the tactics a manager will quite often</p> <p>24 do is say that they have a deal from another</p> <p>25 promotion to try to use that as leverage to get you</p>
<p style="text-align: right;">167</p> <p>1 A. He is or was, I'm not sure, if he still is,</p> <p>2 he's a UFC fighter.</p> <p>3 Q. And in 2013, did the UFC sign him?</p> <p>4 A. I think he came in around that time.</p> <p>5 Q. Who is Jason House?</p> <p>6 A. He's a manager.</p> <p>7 Q. And -- let's do it this way.</p> <p>8 (Exhibit 14 was marked for</p> <p>9 identification.)</p> <p>10 BY MR. MADDEN:</p> <p>11 Q. You've just been handed a two-page document</p> <p>12 set. It's nonconsecutive text messages, but they</p> <p>13 relate to the same subject matter. One is 1885485 --</p> <p>14 ZFL1885458. And the other one is ZFL1885492. These</p> <p>15 are each text messages from Jason House.</p> <p>16 A. One thing is for sure, I'm going to have to</p> <p>17 get my eyes checked after this. I didn't realize how</p> <p>18 bad they were.</p> <p>19 Okay. Okay, I've got it.</p> <p>20 Q. And so Jason House, you testified, was a</p> <p>21 manager. Do you know him to be Louis Smolka's</p> <p>22 manager?</p> <p>23 A. He could have been. Specifically, I can't</p> <p>24 remember exactly.</p> <p>25 Q. And in November of 2013, was Louis Smolka</p>	<p style="text-align: right;">169</p> <p>1 to sign their fighter.</p> <p>2 And he might have had, he might not have</p> <p>3 had. So I can't really tell you.</p> <p>4 Q. But you signed Smolka right after this?</p> <p>5 A. It's possible.</p> <p>6 Q. And he's had eight fights in the UFC at</p> <p>7 this point?</p> <p>8 A. Okay.</p> <p>9 Q. And he's fighting this weekend, I think?</p> <p>10 A. I'm sorry, I'm not sure if he is or not.</p> <p>11 Q. He's scheduled to?</p> <p>12 A. Okay.</p> <p>13 Q. I'm asking.</p> <p>14 A. I'm sorry, I don't know. I don't know.</p> <p>15 Q. He's in your weight class, isn't he?</p> <p>16 A. No. Mick Maynard handles the 125-pound.</p> <p>17 Q. So he's a 125 guy?</p> <p>18 A. Yes.</p> <p>19 Q. Who is Michinori Tanaka?</p> <p>20 A. He is a fighter who fought for the UFC.</p> <p>21 Q. How long has he been in the UFC?</p> <p>22 A. I don't know.</p> <p>23 Q. What weight division is he in?</p> <p>24 A. I believe bantamweight.</p> <p>25 Q. And that's the 1 --</p>

43 (Pages 166 to 169)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">174</p> <p>1 Do you see that?</p> <p>2 A. Okay.</p> <p>3 Q. So going back to my initial line of</p> <p>4 questioning, is it important to the UFC that other</p> <p>5 MMA promotions showcase up-and-coming talent and</p> <p>6 assist fighters to develop their skills?</p> <p>7 MR. WIDNELL: Objection. Foundation.</p> <p>8 Form.</p> <p>9 THE WITNESS: I'm sorry, could you repeat</p> <p>10 the question?</p> <p>11 BY MR. MADDEN:</p> <p>12 Q. Is it important to the UFC that other MMA</p> <p>13 promotions showcase up-and-coming talent and assist</p> <p>14 fighters to develop their skills?</p> <p>15 A. Of course, yeah.</p> <p>16 Q. When an MMA fighter begins his or her</p> <p>17 professional year, they're not typically ready to</p> <p>18 come to the UFC, right?</p> <p>19 MR. WIDNELL: Objection. Form.</p> <p>20 THE WITNESS: That's a blanket statement.</p> <p>21 You know, somebody like BJ Penn got his start in the</p> <p>22 UFC. Yeah, I mean, whether it be UFC or One or</p> <p>23 Bellator, for the most part, they're not ready for</p> <p>24 that level if they're starting out their MMA career.</p> <p>25</p>	<p style="text-align: right;">176</p> <p>1 BY MR. MADDEN:</p> <p>2 Q. So I guess my question was a little bit</p> <p>3 different. It's that a fighter can have talent, but</p> <p>4 not yet have a record that demonstrates that talent,</p> <p>5 right?</p> <p>6 MR. WIDNELL: Objection. Form.</p> <p>7 THE WITNESS: I suppose that's possible.</p> <p>8 BY MR. MADDEN:</p> <p>9 Q. Let's go to look at some of these</p> <p>10 statements. Go to Exhibit 2. Let's start at</p> <p>11 page 165.</p> <p>12 MR. WIDNELL: Are you finished with Exhibit</p> <p>13 6?</p> <p>14 MR. MADDEN: For now. If I have to come</p> <p>15 back, I have to come back.</p> <p>16 MR. WIDNELL: But for now?</p> <p>17 MR. MADDEN: For now yeah.</p> <p>18 THE WITNESS: What page?</p> <p>19 BY MR. MADDEN:</p> <p>20 Q. 165 Exhibit 3, Bates number ZFL1897224.</p> <p>21 A. Okay.</p> <p>22 Q. And before we get into the text themselves,</p> <p>23 who is Mitch Mayberger?</p> <p>24 A. He's a manager.</p> <p>25 Q. Who does he manage?</p>
<p style="text-align: right;">175</p> <p>1 BY MR. MADDEN:</p> <p>2 Q. So you've told fighters that a four-and-one</p> <p>3 professional record at 125 pounds is too early to</p> <p>4 come to the UFC?</p> <p>5 MR. WIDNELL: Objection. Form.</p> <p>6 THE WITNESS: I could see myself saying</p> <p>7 that. But it depends, you know, on the fighter</p> <p>8 themselves. So there might be a fighter out there</p> <p>9 that's four-and-one that has no business being</p> <p>10 anywhere near a top promotion, and then there's a</p> <p>11 fighter who is four-and-one that could go to any of</p> <p>12 the top ones and do well.</p> <p>13 BY MR. MADDEN:</p> <p>14 Q. The record is independent of their talent;</p> <p>15 is that a fair statement?</p> <p>16 MR. WIDNELL: Objection. Form.</p> <p>17 THE WITNESS: I mean, sometimes it is. I</p> <p>18 mean, again, that's kind of a blanket statement.</p> <p>19 It's always kind of a case-by-case basis.</p> <p>20 If you're just saying, you know, blanketly</p> <p>21 as a four-and-one fighter, it's hard to tell. You</p> <p>22 have got to get in there. You have to watch them</p> <p>23 fight. You have to see who they fought. You have to</p> <p>24 kind of just recognize potential as well.</p> <p>25</p>	<p style="text-align: right;">177</p> <p>1 A. Off the top of my head, I couldn't tell</p> <p>2 you.</p> <p>3 Q. So if you will look on this page, which</p> <p>4 contains text messages from February 21st, 2014 and</p> <p>5 February 22nd, 2014.</p> <p>6 A. Okay.</p> <p>7 Q. If you will go down to the 2:24 p.m. on</p> <p>8 February 22nd text. It's about halfway down the</p> <p>9 page. It's from Mitch Mayberger to you.</p> <p>10 A. Okay.</p> <p>11 Q. He said, "Is a four-and-one at 125 too</p> <p>12 early for UFC?"</p> <p>13 What was your response?</p> <p>14 A. "Too early."</p> <p>15 Q. You didn't know which fighter he was</p> <p>16 talking about, right?</p> <p>17 A. No.</p> <p>18 Q. Now, let's go to page 192 of 310. The</p> <p>19 Bates number is 1897251.</p> <p>20 A. Okay.</p> <p>21 Q. So this page contains text from March 26th,</p> <p>22 2014 to March 27th, 2013. Towards the bottom of the</p> <p>23 March 26th, 2014 text, there's an exchange with</p> <p>24 Eric Del Fierro.</p> <p>25 Who is Eric Del Fierro?</p>

45 (Pages 174 to 177)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">178</p> <p>1 A. He is a coach and manager.</p> <p>2 Q. So his text reads, and I'm going to have to</p> <p>3 read off the page a little because it ran out here:</p> <p>4 "Kid's name is Matt Sayles. Hasn't fought any names.</p> <p>5 3 and 0 pro striker. Can beat or hang with most</p> <p>6 of" -- and the rest of that text is "my UFC guys,"</p> <p>7 I'll represent to you from the document Bates</p> <p>8 numbered ZFL2699683, which you don't have in front of</p> <p>9 you. But the way that that text ends is, "can beat</p> <p>10 or hang with most of my UFC guys."</p> <p>11 A. I'm sorry, but I'm not sure where we're</p> <p>12 looking at here.</p> <p>13 Q. There's a 9:54 a.m. text from Eric Del</p> <p>14 Fierro. It's one of the last four texts from</p> <p>15 March 26th.</p> <p>16 A. Okay.</p> <p>17 Q. And he wrote and --</p> <p>18 A. I see.</p> <p>19 Q. "His name is Matt Sayles. Hasn't fought</p> <p>20 any names. 3 and 0 pro striker. Can beat or hang</p> <p>21 with most of my UFC guys."</p> <p>22 A. Uh-huh.</p> <p>23 Q. Can you read your response?</p> <p>24 A. "He's got to have more pro fights than that</p> <p>25 though."</p>	<p style="text-align: right;">180</p> <p>1 where I am? It's like the fourth text down.</p> <p>2 A. Okay.</p> <p>3 Q. "What does Tito Jones need to do to fight</p> <p>4 for you at 135? He's 11 and 6, coming off of four</p> <p>5 straight wins."</p> <p>6 A. Uh-huh.</p> <p>7 Q. Your response is at 4:00 p.m. If you could</p> <p>8 look down and read that to me.</p> <p>9 A. Okay.</p> <p>10 Q. Can you read it to me.</p> <p>11 A. "He needs to be at around 15 wins."</p> <p>12 Q. Okay. So you can put that exhibit aside.</p> <p>13 A. Okay.</p> <p>14 Q. There are numerous promotions, including as</p> <p>15 we saw in the text chains of Titan and Legend and</p> <p>16 RFA, that release fighters to the UFC when you need</p> <p>17 them, right?</p> <p>18 MR. WIDNELL: Objection. Misstates the</p> <p>19 documents and the testimony.</p> <p>20 THE WITNESS: There have been promotions</p> <p>21 that have released fighters to the UFC.</p> <p>22 BY MR. MADDEN:</p> <p>23 Q. So we talked before in Exhibit 6 where you</p> <p>24 said you were going to speak with Legends, Titan and</p> <p>25 RFA about doing more women's fights as they always</p>
<p style="text-align: right;">179</p> <p>1 Q. You didn't know who his opponents were in</p> <p>2 those fights, right?</p> <p>3 A. I'm not sure if I did or if I didn't. I'm</p> <p>4 not sure if I knew who Matt Sayles was at that time.</p> <p>5 That's three years ago.</p> <p>6 Q. Do you know who he is now?</p> <p>7 A. I do.</p> <p>8 Q. Who is he?</p> <p>9 A. He's a fighter in the bantamweight</p> <p>10 division.</p> <p>11 Q. In the UFC?</p> <p>12 A. No, he's not in UFC.</p> <p>13 Q. What --</p> <p>14 A. I would like to have him in the UFC. I'm</p> <p>15 not sure right now.</p> <p>16 Q. If we go to page 218.</p> <p>17 Who is Trevor Lally?</p> <p>18 A. He is a manager coach.</p> <p>19 Q. So we're on page 218 of 310 in Exhibit 2.</p> <p>20 The Bates number is ZFL1897277. It contains texts</p> <p>21 from April 9th, 2014, May 1st, 2013, May 10th, 2013,</p> <p>22 and May 10th, 2014.</p> <p>23 I would like to focus our attention on the</p> <p>24 text from May 1st, 2013. So it is the complete text.</p> <p>25 Trevor Lally wrote to you at 1:23 p.m. Do you see</p>	<p style="text-align: right;">181</p> <p>1 turn their fighters over to us.</p> <p>2 What did you mean by, "they always turn</p> <p>3 their fighters over to us"?</p> <p>4 A. Well, "always" is a blanket statement. I'm</p> <p>5 sure they can't always turn their fighters over to</p> <p>6 us.</p> <p>7 But you know, you have -- listen, you have</p> <p>8 a distinction here. You have promotions that are on</p> <p>9 that level where you have these, again, what were</p> <p>10 they? RFA, Titan and these other ones.</p> <p>11 So you have those. And then those fighters</p> <p>12 are, for the most part, they're trying. They're at</p> <p>13 this level, and they're trying to work their way up</p> <p>14 to a different level.</p> <p>15 And so fighters, most of the time in those</p> <p>16 promotions, move on to Bellator, UFC. It depends on</p> <p>17 where in the world they are, too. I suppose One is</p> <p>18 another promotion.</p> <p>19 And so they move on for the most part.</p> <p>20 Q. So when you say "promotions at that level,"</p> <p>21 what do you mean?</p> <p>22 A. Well, for the most part, it's pretty well</p> <p>23 established that you have promotions, like say RFA,</p> <p>24 where, you know, you can -- they win a fight and they</p> <p>25 say, hey, you know, I want to move to so and so</p>

46 (Pages 178 to 181)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">182</p> <p>1 promotion, I want to do this, I want to do that. 2 And so they're, you know, they're at that 3 level. 4 And in addition, these promotions, you 5 know, they actively want to have their fighters move 6 on. For them, I think it's -- it even makes things 7 easier for them. If they're established as, hey, you 8 know, this is where you come to develop and get 9 really good, cut your teeth on some good guys and 10 then you could move up to another promotion. 11 So fighters will want to go there because 12 it's tough to get -- to make match-ups. 13 And there's stuff on my level to make 14 match-ups and to good fights put together, and I'm 15 sure it's tough on their level, too. 16 Q. And so those promotions include the three 17 that we just named, Legends, Titan and RFA, right? 18 MR. WIDNELL: Objection. No time period 19 for the question. 20 THE WITNESS: Yeah, I would agree with 21 that. 22 BY MR. MADDEN: 23 Q. Does it include CFSC? 24 A. Yes. I would agree with that. 25 Q. Does it include Jungle Fights?</p>	<p style="text-align: right;">184</p> <p>1 Caesar Arzamendia Gonzalez. Are you familiar with 2 who that is? 3 A. I'm not. 4 Q. Are you familiar with who Mayra De Leon is? 5 A. Mayra? Yes. 6 Q. Who is she? 7 A. She's a coordinator, I believe, for UFC. 8 she might not work for us anymore. 9 Q. What is Pilgrim Studios? 10 A. They are the company that handles the 11 Ultimate Fighter series. 12 Q. And who is Dan Farmer? 13 A. He worked for the UFC and handled some of 14 the duties for the Ultimate Fighter. 15 Q. And who Wallid Ismail? 16 A. Wallid is a former fighter, promoter, 17 trainer. And he ran the Jungle Fights. 18 Q. So did he run Jungle Fights as of 19 January 15th, 2015? 20 A. I'm assuming so, yes. 21 Q. And so can you read Ismail's e-mail to 22 Joe Silva about Caesar Arzamendia Gonzalez? 23 A. "If he fought in Jungle Fight, he has 24 signed contract. If is to fight UFC, he's released 25 boss."</p>
<p style="text-align: right;">183</p> <p>1 A. Jungle Fights have had fighters come to the 2 UFC and do amazingly well. 3 There's -- more than most promotions, those 4 fighters in Jungle Fights are at UFC level long 5 before. So just really quality fighters there. 6 Q. But they release their fighters to the UFC 7 when the UFC asks? 8 MR. WIDNELL: Objection. Vague and 9 ambiguous. 10 THE WITNESS: I can't recall specific, but 11 they might have. 12 (Exhibit 16 was marked for 13 identification.) 14 BY MR. MADDEN: 15 Q. You've been handed what's been marked 16 Exhibit 16. It's an e-mail chain that begins at 17 Bates number ZFL0872344 and ends at ZFL0872345. 18 A. Okay. 19 Q. The first e-mail in the exhibit is from 20 Dan Farmer to Joe Silva, and you are in the cc block. 21 And it is dated January 15th, 2015. 22 And if you go to the first e-mail in the 23 chain it is from Mayra DeLeon. It is not clear who 24 the e-mail was to. That information isn't here. 25 But she is discussing a fighter named</p>	<p style="text-align: right;">185</p> <p>1 Q. Okay. You can put that aside. 2 (Exhibit 17 was marked for 3 identification.) 4 BY MR. MADDEN: 5 Q. You're being handed what's being marked as 6 Exhibit 17. It is an e-mail chain that is one page, 7 Bates number ZFL0872351. The first e-mails are the 8 same as in Exhibit No. 16, but it does not include 9 the e-mail that we just read to Ismail. Instead, it 10 includes an e-mail from Joe Silva to you and 11 Dan Farmer. 12 Can you read what Joe Silva wrote? 13 A. The first page? I see what you're saying. 14 Q. I apologize. Let me make the record clear. 15 There is a second page with no substantive 16 context. It is ZFL0872352. And if you could read me 17 the January 15th, 2015 e-mail at 7:18 a.m. from 18 Joe Silva to you and Dan Farmer. 19 A. "Jungle Fight promoter Wallid Ismail has 20 always been very easy to work with. He wants us to 21 take his guys, Joe." 22 Q. So is it fair to say that like the -- like 23 your testimony concerning RFA and Titan and certain 24 other promoters, that Jungle Fight is a promotion 25 that wants to send talent to the UFC?</p>

47 (Pages 182 to 185)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">186</p> <p>1 MR. WIDNELL: Objection. Misstates 2 testimony. Vague and ambiguous with respect to date. 3 THE WITNESS: Yeah, I mean, this is -- 4 first of all, this is an e-mail from Joe Silva 5 stating what Wallid Ismail wants. 6 But also, too, it says here that Gonzalez, 7 he said he fought Jungle a year ago, and he doesn't 8 remember if he signed a contract. 9 There have been situations, too, where, you 10 know, a fighter -- first of all, you know, if I find 11 out that a fighter is under contract with another 12 promotion, I back off, and you know, try to sort out 13 with the promoter. But there are situations, too, 14 where a fight promoter will say, listen, this fighter 15 is under contract with me. And in reality, we have 16 no real way of knowing if they do or they don't. 17 And so, I mean, this could easily, maybe he 18 is, maybe he isn't, I don't know. And Wallid is just 19 saying, yeah, he's with me, but we'll let him go to 20 you. I don't really know. 21 So it's kind of really hard for me to take 22 this as anything. 23 But with that said, you know, I think other 24 fighters have come in from Jungle Fight before. 25 My original point was, is that what</p>	<p style="text-align: right;">188</p> <p>1 sign their fighters and they turned you down? 2 MR. WIDNELL: Objection. Form. 3 THE WITNESS: I can't remember. 4 BY MR. MADDEN: 5 Q. So you don't remember any instances that 6 Jungle Fight has denied the UFC access to one of its 7 fighters? 8 MR. WIDNELL: Objection. Form. 9 THE WITNESS: I don't remember either/or. 10 BY MR. MADDEN: 11 Q. So it's just possible that they could say 12 no? 13 MR. WIDNELL: Objection. Form. 14 THE WITNESS: I assume it is. 15 BY MR. MADDEN: 16 Q. But you don't know that it's possible? 17 A. I don't. I mean, we're speaking 18 hypotheticals now. 19 Q. Well, you testified, "I wish I could take 20 more fighters from Jungle Fight if they allowed." 21 Who is "they"? 22 A. Well, whoever the powers that be is. I 23 don't know the hierarchy of Jungle Fight. So when I 24 say they, I mean the promotion. 25 Q. Of Jungle Fight?</p>
<p style="text-align: right;">187</p> <p>1 separates Jungle Fight a little bit from those other 2 ones are there are so many amazing fighters in Jungle 3 Fight, I think that those fighters down there, 4 specifically Jungle Fighter, are just UFC caliber 5 fighters. There's a lot of guys down there in that 6 organization. 7 BY MR. MADDEN: 8 Q. What makes them UFC caliber? 9 A. Are they good fighters or not? Could they 10 fight in a top promotion? 11 Q. So why do they fight in Jungle Fight if 12 they could fight in a top promotion? 13 MR. WIDNELL: Objection. Form. 14 THE WITNESS: Well, you know, I can't speak 15 for the other top promotions, again like Bellator or 16 us, but you have to understand that, especially in 17 Brazil, there are so many top fighters. So many 18 talented fighters. Of course, there isn't spots for 19 everybody, you know. 20 So they will be fighting in Jungle Fight. 21 And you know, I wish I could take more fighters from 22 Jungle Fight if they allowed it, but it's just not a 23 possibility. 24 BY MR. MADDEN: 25 Q. Have you requested from Jungle Fight to</p>	<p style="text-align: right;">189</p> <p>1 A. Of Jungle Fight, yes. 2 Q. So you have not, to your knowledge, ever 3 been turned down to sign one of their fighters to the 4 UFC, but you would if they allowed you to? 5 MR. WIDNELL: Objection. Form. 6 THE WITNESS: I don't remember which 7 fighters have been through Jungle Fight or fought in 8 Jungle Fight or not. 9 But an overall generalized statement is 10 that there are amazing, really good fighters in 11 Jungle Fight, and that's what my point is. 12 BY MR. MADDEN: 13 Q. There are amazing really good fighters in 14 Jungle Fight that you have not attempted to sign to 15 the UFC; is that accurate? 16 MR. WIDNELL: Objection. Form. 17 THE WITNESS: I don't know specifically. I 18 would have to go back and look. 19 BY MR. MADDEN: 20 Q. What would you look at? 21 A. I would have to go back and try to remember 22 if I've tried to sign somebody, I had signed 23 somebody. I mean, you're asking about specifics, 24 and... 25 Q. So in addition to the ones that we've</p>

48 (Pages 186 to 189)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">190</p> <p>1 discussed, Invicta also releases fighters to the UFC; 2 is that right? 3 MR. WIDNELL: Objection. Vague with 4 respect to "the ones." 5 THE WITNESS: They have before, yes. 6 BY MR. MADDEN: 7 Q. In fact, Invicta will at times release 8 fighters to the UFC even if the UFC has no present 9 plan to use the fighter in a fight; is that right? 10 MR. WIDNELL: Objection. Form. 11 THE WITNESS: Maybe. You would have to 12 give me a specific instance. 13 (Exhibit 18 was marked for 14 identification.) 15 BY MR. MADDEN: 16 Q. You've been handed what's been marked 17 Exhibit 18. It is an e-mail chain bearing the Bates 18 number ZFL0799255. The first e-mail is from a 19 Pawel Kowalik to Shannon Knapp. 20 A. Okay. 21 Q. Who is Pawel Kowalik? 22 A. I'm guessing that that's her manager. 23 Q. Whose manager? 24 A. Kowalkiewicz's manager. 25 Q. So Karolina is Karolina Kowalkiewicz?</p>	<p style="text-align: right;">192</p> <p>1 BY MR. MADDEN: 2 Q. So if you are ready to sign a fighter, even 3 without having an instant plan of putting that 4 fighter in a UFC event, she would release that 5 fighter to you? 6 MR. WIDNELL: Objection. Misstates the 7 document. 8 THE WITNESS: There's two things on this. 9 One, if it says here I'm ready to sign, she hasn't 10 actually signed yet. 11 So sometimes what happens is something like 12 this, or a fighter says, hey, I want to come or I ask 13 a fighter to fight in the UFC, and then it's 14 agreeable to the fighter or management or whatever. 15 So once we have that, then I start spending 16 my time worrying about finding them a fight. 17 There have been times where, you know, I've 18 made these grand plans for a fighter, and it turns 19 out they don't want to come to the UFC, or I do lose 20 them to another promotion. And then I've just wasted 21 all my time. 22 So once I have an agreement, you know, a 23 verbal agreement, and, it looks like it's moving 24 positive in that direction, now we can move forward 25 with plans.</p>
<p style="text-align: right;">191</p> <p>1 A. Kowalkiewicz. I mess it up every time I 2 say it. 3 Q. I'm not doing better. 4 A. Okay. 5 Q. So that initial e-mail from Pawel, he or 6 she wrote, "I had a meeting with Sean recently in 7 Berlin, and he is ready to sign Karolina now. Even 8 he have no fight for her and we are cool with that." 9 A. Uh-huh. 10 Q. And then he asks for a release from 11 Invicta. 12 A. Okay. 13 Q. Shannon Knapp of Invicta wrote to you, 14 "Please see below and confirm that you are going to 15 sign Karolina. Once you confirm, I will send you a 16 release notice. I hope life is treating you well." 17 Do you see that? 18 A. Uh-huh. 19 Q. Is it your understanding that Shannon would 20 release a fighter to you under those circumstances if 21 you wanted them? 22 MR. WIDNELL: Objection. Vague with 23 respect to "those circumstances." 24 THE WITNESS: Obviously, she's doing it in 25 this circumstance.</p>	<p style="text-align: right;">193</p> <p>1 With that said, if I remember correctly, 2 prior to this Karolina had a great kind of 3 fight-of-the-year type thing, and she was such a high 4 caliber -- it's not normally that I do sign actually 5 a fighter. Usually the only way in is if I have a 6 specific spot for you. 7 And so at that time, Karolina was one of 8 those fighters. I think she was undefeated coming 9 off a fight-of-the-year performance. And that's 10 somebody that, listen, I hardly ever do it. But 11 that's somebody you sign. They're going to do great 12 things in the promotion, and okay, you're going to 13 break from what you normally do. It's very rare, but 14 it happens once in a while. 15 So that might have been the case here. But 16 again, usually it's the first where it's just, 17 there's no sense in me just -- it was just spinning 18 my wheels for nothing if they're not signed yet or 19 they haven't agreed. 20 So I'm not sure how long she had a fight 21 after this, but in this case, it could have been 22 immediately, but she was so special, it might have 23 taken some time. 24 BY MR. MADDEN: 25 Q. Okay. If you could turn to Exhibit 2,</p>

49 (Pages 190 to 193)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">194</p> <p>1 page 280. It's Bates numbered ZFL1897339.</p> <p>2 A. I'm sorry, what was the page again?</p> <p>3 Q. 280.</p> <p>4 A. 280. Okay.</p> <p>5 Q. So this is a series of text messages</p> <p>6 ranging from -- excuse me, August 14th, 2013 to</p> <p>7 August 17th, 2013.</p> <p>8 I would like to focus our attention to the</p> <p>9 first several texts. There's an exchange between you</p> <p>10 and Shannon Knapp.</p> <p>11 Shannon writes, "Hey, Sean, you're picking</p> <p>12 up Jessica Eye and not Jessica Aguilar, right? I</p> <p>13 don't want to approach anyone you're looking at."</p> <p>14 A. Uh-huh.</p> <p>15 Q. What was your response?</p> <p>16 A. Hold on.</p> <p>17 Q. It's the text right beneath that.</p> <p>18 A. So "Eye is signed. Aguilar is just too</p> <p>19 small."</p> <p>20 Q. So Shannon Knapp would not have approached</p> <p>21 Jessica Aguilar if you were interested in her; is</p> <p>22 that your understanding?</p> <p>23 A. I mean, it appears that's what she's</p> <p>24 saying. I don't know her true intentions, but I</p> <p>25 mean, that's what she's texting.</p>	<p style="text-align: right;">196</p> <p>1 BY MR. MADDEN:</p> <p>2 Q. In what way?</p> <p>3 A. I would say it's a bit different in that,</p> <p>4 you know, it's a fight promotion based out of Japan</p> <p>5 rather than something out of, you know, this part of</p> <p>6 the world, North America.</p> <p>7 Q. So the difference between Pancrase and RFA</p> <p>8 is geographic?</p> <p>9 MR. WIDNELL: Objection. Misstates the</p> <p>10 testimony.</p> <p>11 THE WITNESS: Yeah, no, I didn't -- it</p> <p>12 would be a little bit different, because they could</p> <p>13 have their own set of stars over there that drive it,</p> <p>14 and so they might have a fighter that's worth</p> <p>15 something to them. I don't know, but in that area.</p> <p>16 And so again, when we talked about earlier,</p> <p>17 stars come in all different shapes and sizes, and</p> <p>18 over there they might have somebody that's a star to</p> <p>19 them. So it's a little bit different thing.</p> <p>20 BY MR. MADDEN:</p> <p>21 Q. And One FC has released fighters to the</p> <p>22 UFC; is that right?</p> <p>23 MR. WIDNELL: Object to the form. Vague as</p> <p>24 to time.</p> <p>25 THE WITNESS: I don't know. They might</p>
<p style="text-align: right;">195</p> <p>1 Q. And this was before the UFC had a</p> <p>2 strawweight division?</p> <p>3 A. I believe so. Because it says Aguilar is</p> <p>4 just too small.</p> <p>5 Q. And because, as we went over this morning,</p> <p>6 the strawweight division was announced in November of</p> <p>7 2013 and this is August of 2013?</p> <p>8 A. I guess so, yes.</p> <p>9 Q. Are you familiar with the promotion</p> <p>10 Pancrase?</p> <p>11 A. Yes.</p> <p>12 Q. Is that a promotion that releases fighters</p> <p>13 to the UFC?</p> <p>14 MR. WIDNELL: Objection. Vague with</p> <p>15 respect to time.</p> <p>16 MR. MADDEN: I'll withdraw and rephrase.</p> <p>17 BY MR. MADDEN:</p> <p>18 Q. Is that a promotion that you would</p> <p>19 categorize with promotions like RFA and Legends and</p> <p>20 Titan?</p> <p>21 MR. WIDNELL: Objection. Vague as to in</p> <p>22 what way?</p> <p>23 THE WITNESS: Yeah, I'm not sure. I mean,</p> <p>24 it's a bit different than those other promotions that</p> <p>25 they talked about earlier.</p>	<p style="text-align: right;">197</p> <p>1 have.</p> <p>2 BY MR. MADDEN:</p> <p>3 Q. Are you familiar with Leandro Issa?</p> <p>4 A. Yes, I am.</p> <p>5 Q. Was he under contract with One FC when he</p> <p>6 came to the UFC?</p> <p>7 MR. WIDNELL: Objection. Foundation.</p> <p>8 THE WITNESS: He might have been.</p> <p>9 (Exhibit 19 was marked for</p> <p>10 identification.)</p> <p>11 BY MR. MADDEN:</p> <p>12 Q. You're being handed what has been marked as</p> <p>13 Exhibit 19. This is a text message from you to</p> <p>14 Jason House dated November 25th, 2013. The Bates</p> <p>15 number for Exhibit 19 is ZFL188668.</p> <p>16 MR. WIDNELL: Just a correction, I think</p> <p>17 there are three 6's.</p> <p>18 MR. MADDEN: There are. So ZFL1886668.</p> <p>19 Excuse me.</p> <p>20 And what we're going to do is introduce</p> <p>21 Exhibit 20.</p> <p>22 (Exhibit 20 was marked for</p> <p>23 identification.)</p> <p>24 BY MR. MADDEN:</p> <p>25 Q. You can put Exhibit 19 aside. I won't</p>

50 (Pages 194 to 197)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">198</p> <p>1 have any questions on it. It will be included in</p> <p>2 Exhibit 20 that you're getting now.</p> <p>3 A. Okay.</p> <p>4 Q. Exhibit 20 is a compilation of text</p> <p>5 messages from November 24th, 2013 to November 25th,</p> <p>6 2013 between you and -- excuse me, to November 26th,</p> <p>7 2013, between you and Jason House.</p> <p>8 A. Uh-huh.</p> <p>9 Q. Does it appear, at least from the first</p> <p>10 couple, that Jason House represented a fighter named</p> <p>11 Russell Doane?</p> <p>12 A. Yes.</p> <p>13 Can I read this first?</p> <p>14 Q. Yes.</p> <p>15 A. All right, thanks. Okay. Got it.</p> <p>16 Q. Okay. So does this refresh your</p> <p>17 recollection on whether Issa was under contract with</p> <p>18 One FC at the time that you signed him to fight</p> <p>19 Russell Doane?</p> <p>20 A. Yeah, it absolutely does.</p> <p>21 Q. And he was?</p> <p>22 A. Yeah, he was.</p> <p>23 It was a strange case, too, because it was</p> <p>24 really -- this one stands out because Chatri</p> <p>25 Sityodtong is I guess in control, one of the guys in</p>	<p style="text-align: right;">200</p> <p>1 Q. We're going to come back to this exhibit,</p> <p>2 but I would like to in the interim introduce</p> <p>3 Exhibit 21.</p> <p>4 (Exhibit 21 was marked for</p> <p>5 identification.)</p> <p>6 MR. WIDNELL: Is this a document that</p> <p>7 you've produced to us?</p> <p>8 MR. MADDEN: It is not.</p> <p>9 MR. WIDNELL: I thought we had an agreement</p> <p>10 we were producing documents to each other before</p> <p>11 using them in depositions.</p> <p>12 MR. MADDEN: So as a preliminary matter,</p> <p>13 that is an agreement that your side deliberately</p> <p>14 chose not to follow yesterday, so...</p> <p>15 MR. WIDNELL: With which document?</p> <p>16 MR. MADDEN: With documents concerning --</p> <p>17 MR. WIDNELL: Which document in particular?</p> <p>18 We produced at least one document ahead of time.</p> <p>19 MR. MADDEN: And you used documents that</p> <p>20 you didn't produce.</p> <p>21 I'm not going to get into an argument about</p> <p>22 it right now. The fact of the matter is we've asked</p> <p>23 several times for the basis of the objection. We</p> <p>24 have yet to get it.</p> <p>25 You have not abided by the rule on your</p>
<p style="text-align: right;">199</p> <p>1 control of One FC. And so at the time it was really</p> <p>2 peculiar that he wanted him into the UFC because, as</p> <p>3 I said here, it's right here, it's not normally</p> <p>4 possible. They don't let their fighters come to the</p> <p>5 UFC. If they did, I wish I could have Aoki and their</p> <p>6 125-pound champion.</p> <p>7 I can't even tell you how many times we got</p> <p>8 calls from their matchmaker telling us to back off</p> <p>9 their fighters because we didn't know that they were</p> <p>10 under contract at the time.</p> <p>11 So that's why this one really stands out to</p> <p>12 me. He did come to the UFC, and it was a weird</p> <p>13 situation where, you know, we were going into</p> <p>14 Singapore. Leandro was training, and a trainer at</p> <p>15 the gym. And the Chatri Sityodtong, who has</p> <p>16 something to do with One FC, said, hey, can you give</p> <p>17 him a UFC shot? You know, he's scheduled to do</p> <p>18 something else, but we would really want to put him</p> <p>19 in there.</p> <p>20 And you know, at the time, the offices out</p> <p>21 of Asia were telling me to be really nice to Chatri.</p> <p>22 And so I put him in a UFC fight. So that's why it</p> <p>23 just really stands out. It was just so out of the</p> <p>24 ordinary for this one fighter to come into the UFC.</p> <p>25 So that's pretty much it.</p>	<p style="text-align: right;">201</p> <p>1 own, and we have asked for documents in the public</p> <p>2 sphere from you, and you objected to giving them to</p> <p>3 us on that basis, that they are in the public sphere.</p> <p>4 So it is our position that this objection</p> <p>5 has been long since waived.</p> <p>6 MR. NORTH: Let's go over off the record if</p> <p>7 there will be further discussion on this subject.</p> <p>8 MR. WIDNELL: Can we go on off the record?</p> <p>9 I just want to make sure we're on the same page. I'm</p> <p>10 not actually trying to impede anything here. Can we</p> <p>11 go off?</p> <p>12 MR. MADDEN: I'm fine with going off the</p> <p>13 record.</p> <p>14 THE VIDEOGRAPHER: We are now going off the</p> <p>15 record. The time is approximately 3:33 p.m.</p> <p>16 (A discussion was held off the record.)</p> <p>17 THE VIDEOGRAPHER: We are now back on the</p> <p>18 record. The time is approximately 3:34 p.m.</p> <p>19 BY MR. MADDEN:</p> <p>20 Q. All right. So you've been handed what's</p> <p>21 been marked as Exhibit 21. It is an article from</p> <p>22 MMA Weekly dated November 26th, 2013. So it</p> <p>23 coincides with the end of the text chain that was</p> <p>24 Exhibit 20.</p> <p>25 A. Okay.</p>

51 (Pages 198 to 201)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">202</p> <p>1 Q. And it's titled UFC Signs Leandro Issa, 2 David Galera and Royston Wee, but misses out on Eddie 3 Ng and Shinya Aoki. 4 A. Okay. 5 Q. And the article reports that bantamweights 6 Leandro Issa, Dave Galera and Royston Wee were added 7 to the UFC roster, with the latter pair set to face 8 each other in Singapore on January 3. 9 Were those three fighters all on the One FC 10 roster prior to being signed by the UFC? 11 A. Yeah. I mean, I assume so. To my 12 knowledge, Ng, Aoki, Issa -- is there another one on 13 here? 14 Q. I'm referring to Leandro Issa, Dave Galera 15 and Royston Wee with that question. 16 A. I'm not sure if Dave Galera was or if he 17 wasn't. 18 Q. Is Galera and Wee, are they within one of 19 the weight classes that you were charged with? 20 A. I'm sorry, I'm confused here. 21 MR. WIDNELL: Objection. 22 THE WITNESS: Are you asking, you're asking 23 if all of these gentlemen were on the One FC roster? 24 BY MR. MADDEN: 25 Q. So my question is when they were signed in</p>	<p style="text-align: right;">204</p> <p>1 A. I don't believe so. I'm not sure about 2 Dave Galera. But I think Royston was actually on -- 3 this is a long time ago, so I think Royston was 4 actually involved in the Ultimate Fighter China, and 5 then came into this, I think. 6 And then Dave Galera, I don't think so. I 7 think Leandro was the only one. I could be wrong 8 about Dave, but I'm fairly certain it was just Issa. 9 Q. Okay. So did you say that Wee may have 10 been UFC Tuf China? 11 A. Wee might have been, yeah. 12 Q. And then Galera, you believe, was a free 13 agent when he was signed? 14 A. I believe. I mean, we're talking years 15 ago, so I'm not sure. But that's what I think was 16 the case, was he's a -- Galera is a free agent. Wee 17 was from China, and Issa was with One FC. 18 Q. So had Galera and Wee previously been with 19 One FC? 20 A. I have no idea. 21 Q. Was Eddie Ng a One FC fighter? 22 A. I believe Eddie was a One FC fighter. 23 Q. And Shin Aoki was a One FC fighter? 24 A. He's a One FC fighter. 25 Q. And this article reports that they each</p>
<p style="text-align: right;">203</p> <p>1 November of 2013, were they previously to being 2 signed on the One FC roster? Those three fighters, 3 Leandro Issa, Dave Galera and Royston Wee? 4 MR. WIDNELL: Do you mean at the time that 5 they were signed, or at some point previously? 6 MR. MADDEN: I mean -- let's see if we can 7 break this down a little bit better. 8 BY MR. MADDEN: 9 Q. As you can see in the article, they have a 10 quote from Leandro Issa where he said he "only had 11 one more fight on my One FC deal, and the UFC wanted 12 to sign me. I asked Victor Cui, and he said I had 13 done some great fights and to say thank you, he would 14 allow me to sign. They are the two biggest 15 organizations in the world, and I was so proud to 16 fight for One FC, but when I first started MMA my 17 dream was to fight for UFC. So I am so happy that 18 dream is coming true." 19 So as I understand it, Issa had an active 20 contract with One FC that he was released from in 21 order to sign with the UFC. 22 Is that your understanding? 23 A. That's my understanding. 24 Q. Okay. Were Galera and Wee in similar 25 positions?</p>	<p style="text-align: right;">205</p> <p>1 declined the opportunity to sign with the UFC. Is 2 that accurate? 3 A. I'm just speaking generalities here. 4 Shinya Aoki can come over and negotiate anytime he 5 wants if one would allow him. That's never going to 6 happen. 7 But yeah, I'm not sure. I can't remember 8 about Eddie. 9 Q. And in 2013, was that also the case? 10 A. With Shinya? 11 Q. Yes. 12 A. Yes. Yeah, Shinya Aoki, I hold in very 13 high regard. 14 Q. And I just want to be clear about timelines 15 here. In November of 2013, you also held him in 16 very high regard and would have signed him if the 17 opportunity had presented itself? 18 A. Listen, the sport ebbs and flows, right? 19 So I'm not sure if Aoki had lost at any point, and 20 then you kind of get down on the guy, but then they 21 come back and they're great. 22 But, you know, I like Shinya. But were 23 there times where I didn't have space or wouldn't be 24 able to take him, then sure. But generally, I like 25 Shinya, you know.</p>

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">206</p> <p>1 (Exhibit 22 was marked for 2 identification.) 3 BY MR. MADDEN: 4 Q. Before we get to Exhibit 22, just a couple 5 more questions on Exhibit 21, the news article. 6 It says that Issa had a record of 11 and 3 7 and fought unsuccessfully for the One FC 135-pound 8 belt last year. 9 Is it your understanding that Issa had 10 had the opportunity to compete for the One FC 11 championship in his weight class? 12 MR. WIDNELL: Objection. Form. 13 THE WITNESS: Yeah, I can't recall that. 14 So I just have to go I guess by what they're saying 15 here, yeah. 16 BY MR. MADDEN: 17 Q. And do you know who Heath Sims is? 18 A. Yeah, Heath is -- was a good wrestler for 19 the U.S. He's I think the head coach at the Evolve 20 Gym down there. I think he also is a One FC 21 matchmaker consultant as well. 22 Q. And he is quoted, and I'm just going to 23 skip to the second line of his quote, as saying that, 24 "Shinya and Eddie talked to the UFC and decided they 25 could earn more fighting for One FC."</p>	<p style="text-align: right;">208</p> <p>1 BY MR. MADDEN: 2 Q. This e-mail from you states that you'll be 3 sending out the match-up soon, but it appears to set 4 forth the compensation in the agreements with 5 Leandro Issa, Russell Doane and Zubaira Tukhugov. 6 A. Okay. 7 Q. Is that what this e-mail does? 8 A. That's what it looks like, yes. 9 Q. So this e-mail was dated November 26th, 10 2013. Is Leandro -- did Leandro Issa get a contract 11 with the UFC to fight for five fights at 7.5 and 7.5, 12 9.5 and 9.5, 11.5, and 11.5, et cetera? 13 MR. WIDNELL: Objection. Form. 14 THE WITNESS: That's what it says here, 15 yeah. 16 BY MR. MADDEN: 17 Q. Well, is it accurate? 18 A. I would assume so. 19 Q. So he had a fight left on his contract, and 20 he came to the UFC to fight for \$7,500 to win and 21 \$7,500 to show? 22 A. Yes. 23 Q. Did he complete those five fights? 24 MR. WIDNELL: Objection. Foundation. 25 THE WITNESS: I don't recall.</p>
<p style="text-align: right;">207</p> <p>1 Do you dispute that conversation happened? 2 MR. WIDNELL: Objection. Vague with 3 respect to conversation. 4 THE WITNESS: Yeah, I mean, I don't -- I 5 don't recall the specifics, but I have spoken with 6 One or Chatri before about if there is any way I 7 could make the Shinya thing happen, and I was never 8 successful. 9 BY MR. MADDEN: 10 Q. I'm sorry, who is Chatri? 11 A. Chatri Sityodtong. He's one of the 12 people -- well, he's Shinya's manager, but I believe 13 he's also -- and he owns the Evolve gym, but he's 14 also involved I believe with One as well. 15 Q. You can put aside Exhibit 21, excuse me, 16 and let's turn to Exhibit 22, which is an e-mail 17 chain, or I guess it's really one e-mail, one page, 18 ZFL0480658. 19 A. I'm sorry. Pardon me. One more time. 20 Q. Exhibit 22 is an e-mail from you to Tracy 21 Long, cc'ing Joe Silva, Gina Paglione -- 22 A. What page are you looking at? 23 MR. WIDNELL: It's this. 24 THE WITNESS: Oh, it's this one. I'm 25 sorry. Okay.</p>	<p style="text-align: right;">209</p> <p>1 BY MR. MADDEN: 2 Q. And is his manager, as reflected in this 3 e-mail, the person who represents Aoki as well? 4 A. Yes. 5 Q. When the e-mail says 7.5 and 7.5, does that 6 refer to an amount of money to be paid when he 7 competes and an amount of money to be paid when he 8 wins? 9 A. Yes. 10 Q. And is that a standard shorthand for that 11 compensation structure? 12 A. I'm sorry? 13 Q. So when you see two numbers next to each 14 other referring to compensation with the plus symbol 15 in between them, does that signify that it's show and 16 win money? 17 A. As I understand, yes. 18 (Exhibit 23 was marked for 19 identification.) 20 BY MR. MADDEN: 21 Q. You're being handed what's been marked as 22 Exhibit 23. It has Bates number ZFL0480655. It's an 23 e-mail from you to Tracy Long, with the subject line 24 Leandro Issa New Deal, and it's dated June 15th, 25 2015.</p>

53 (Pages 206 to 209)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">210</p> <p>1 Did you negotiate a new deal with 2 Leandro Issa in June of 2015? 3 A. I think I did. 4 Q. And it's a five-fight deal? 5 A. Uh-huh. 6 Q. With those numbers, 17, 20, 23, 26 and 29, 7 do those -- is that limited to just show money, or 8 would he have also had similar amounts paid in the 9 event of a win? 10 A. Yeah, so when I was traveling so much and 11 was doing a lot of this on my phone, and there's a 12 lot of -- there's more room for error obviously. So 13 I was explaining to Tracy, I think at some point, 14 that, you know, hey, I'm going to be sending you 15 these deals. 16 And so if it's not -- if it doesn't get too 17 complicated, I'm just going to put one number there. 18 Q. So she understood -- 19 A. She understood it would be 17 plus 17, 20 20 plus 20, 23 plus 23, 26 plus 26, 29 plus 29; 29,000 21 plus 29,000. 22 MR. MADDEN: I think that we are just about 23 out of tape, so we'll go off the record. 24 THE VIDEOGRAPHER: This concludes today's 25 tape -- or I'm sorry tape five in the continuing</p>	<p style="text-align: right;">212</p> <p>1 Warriors FC? 2 A. I would believe so. 3 Q. And they release fighters to the UFC? 4 MR. WIDNELL: Objection. Foundation. 5 THE WITNESS: I believe they -- in some 6 circumstances, they would. 7 BY MR. MADDEN: 8 Q. In fact, they released Conor McGregor to 9 the UFC? 10 A. I'm not sure if they did or if he was on 11 his last fight. I mean, I wanted Conor prior, much 12 prior to when we actually -- he entered the UFC, but 13 it wasn't possible. 14 Q. So just putting aside Cage Warriors and 15 just generally, there are promotions that release 16 fighters to the UFC when the UFC has a need to fill a 17 spot on an event card; is that correct? 18 MR. WIDNELL: Objection. Vague. 19 THE WITNESS: Yeah, I mean, I wouldn't 20 necessarily agree with the blanket statement, but on 21 a case by case there are promotions. 22 BY MR. MADDEN: 23 Q. So I believe you've testified today that 24 there are sort of ebbs and flows to your need for 25 fighters, and sometimes guys are injured and you</p>
<p style="text-align: right;">211</p> <p>1 deposition of Sean Shelby. We are now going off the 2 record. The time is approximately 3:50 p.m. 3 (A recess was taken from 3:50 p.m. 4 to 4:07 p.m.) 5 THE VIDEOGRAPHER: We are now on the 6 record. This is the beginning of tape six in the 7 continuing deposition of Sean Shelby. The time is 8 approximately 4:07 p.m. 9 BY MR. MADDEN: 10 Q. We were talking before the break, several 11 minutes before the break, about a certain kind of 12 promotion that included RFA and Titan that releases 13 guys to the UFC. And I just wanted to cover one 14 more. 15 Are you familiar with the promotion called 16 Cage Warriors? 17 MR. WIDNELL: Objection. Misstates 18 testimony. 19 THE WITNESS: Yes, I am. 20 BY MR. MADDEN: 21 Q. And is -- do you know who Graham Boylan is? 22 A. I do. 23 Q. Is he the owner of Cage Warriors FC? 24 A. I'm not sure. 25 Q. Let me rephrase. Is he in charge of Cage</p>	<p style="text-align: right;">213</p> <p>1 don't have enough, and sometimes you have too many. 2 So when you don't have enough fighters, are 3 you usually able to fill those spots with fighters 4 from other promotions? 5 MR. WIDNELL: Objection. Assumes facts not 6 in evidence. 7 THE WITNESS: Yeah, I mean, again, we were 8 talking in generalities. Specifically, has there 9 been a time where that's possible? I'm sure there 10 is. There's also been other times where a fighter 11 has been unattached. 12 So I guess I would say it takes all kinds 13 and all different ways. 14 BY MR. MADDEN: 15 Q. So you are also able to sign free agent 16 fighters to fill spots when you need those spots 17 filled? 18 A. Yes, correct. 19 Q. So at the beginning of the day when we 20 started talking about your responsibilities as the 21 matchmaker, one of those responsibilities was to sign 22 fighters and negotiate their compensation; is that 23 right? 24 A. Yes. 25 Q. Did you -- was it in your responsibility to</p>

54 (Pages 210 to 213)

SEAN SHELBY - CONFIDENTIAL

<p style="text-align: right;">214</p> <p>1 actually get them to sign a specific agreement?</p> <p>2 MR. WIDNELL: Objection. Form.</p> <p>3 THE WITNESS: Yeah. Normally, like I said</p> <p>4 before, the normal course of action is either they</p> <p>5 come to me or I go to them and we discuss fighting</p> <p>6 for the UFC. And we normally talk about money. And</p> <p>7 that's really about it. I mean, there might be one</p> <p>8 time or another more than that, but that's generally</p> <p>9 what it is.</p> <p>10 BY MR. MADDEN:</p> <p>11 Q. And that's because it's imperative that you</p> <p>12 keep the contracts as uniform as possible?</p> <p>13 MR. WIDNELL: Objection. Assumes facts not</p> <p>14 in evidence.</p> <p>15 THE WITNESS: I mean, that's a general</p> <p>16 statement. Many times the contracts aren't that way</p> <p>17 and sometimes they are.</p> <p>18 BY MR. MADDEN:</p> <p>19 Q. Well, it's a general statement that you've</p> <p>20 actually made, right?</p> <p>21 A. As far as what? I'm not...</p> <p>22 (Exhibit 24 was marked for</p> <p>23 identification.)</p> <p>24 BY MR. MADDEN:</p> <p>25 Q. You've been handed what's been marked as</p>	<p style="text-align: right;">216</p> <p>1 terms of the contract with you?</p> <p>2 A. Yes.</p> <p>3 Q. And you responded on May 21st, 2015 at</p> <p>4 6:30 p.m. Can you read the paragraph underneath your</p> <p>5 response to the specific requested terms?</p> <p>6 A. Where would you like me to read?</p> <p>7 Q. Beginning with, "You have to understand."</p> <p>8 A. "You have to understand, with almost 600</p> <p>9 fighters under contract, it's imperative we keep the</p> <p>10 contracts as uniform as possible to avoid all kinds</p> <p>11 of problems with room and flights of availability,</p> <p>12 time it takes to get contracts figured out,</p> <p>13 logistics, et cetera. I've seen the chaos and the</p> <p>14 paralysis it creates when I took over Strike Force.</p> <p>15 Although I love Paddy, he's still a two and one guy</p> <p>16 in the beginning stages of his UFC career."</p> <p>17 Q. So based on that statement, is it fair to</p> <p>18 say that this was the second contract being</p> <p>19 negotiated with Paddy Holohan by the UFC?</p> <p>20 MR. WIDNELL: Objection. Foundation.</p> <p>21 THE WITNESS: Sorry, I have to look to see.</p> <p>22 I'm not sure if it's the second or -- might well be.</p> <p>23 I mean specifically, I don't know.</p> <p>24 BY MR. MADDEN:</p> <p>25 Q. Would it be unusual for a fighter to have</p>
<p style="text-align: right;">215</p> <p>1 Exhibit 24. It's a two-page document beginning at</p> <p>2 Bates ZFL0799146 and ending at ZFL0799147.</p> <p>3 It starts with an e-mail from you to an</p> <p>4 unknown person, it appears to be Adrian at Silverback</p> <p>5 Sports Management where you wrote that you had lost</p> <p>6 some e-mail correspondences. "This is the new date</p> <p>7 and opponent for Paddy. I also sent you a new</p> <p>8 contract proposal. Can you please confirm."</p> <p>9 Does that e-mail pertain to Paddy Holohan?</p> <p>10 A. Yes. Subject Paddy Holohan.</p> <p>11 Q. And Adrian at Silverback Sports</p> <p>12 Management --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- asked to make some changes to the</p> <p>15 contract. Is that a fair assessment?</p> <p>16 MR. WIDNELL: Take your time.</p> <p>17 BY MR. MADDEN:</p> <p>18 Q. And for clarity, I'm looking at the e-mail</p> <p>19 on the first page of the document from Silverback</p> <p>20 Sports Management to Sean Shelby, May 21st, 2015 at</p> <p>21 11:04 a.m.</p> <p>22 A. Okay.</p> <p>23 Q. Is it fair to say that Silverback Sports</p> <p>24 Management was attempting to negotiate provisions,</p> <p>25 including compensation, but also including other</p>	<p style="text-align: right;">217</p> <p>1 a two-and-one record and be receiving his third</p> <p>2 contract?</p> <p>3 MR. WIDNELL: Objection. Form.</p> <p>4 THE WITNESS: I don't know. I mean</p> <p>5 specifically, I'm not sure in this case.</p> <p>6 BY MR. MADDEN:</p> <p>7 Q. And in the first bullet point of your</p> <p>8 e-mail, you offered to split the difference with them</p> <p>9 and start him at 17 and 17.</p> <p>10 MR. WIDNELL: Do you mean the first</p> <p>11 numbered paragraph?</p> <p>12 MR. MADDEN: First numbered bullet, first</p> <p>13 numbered paragraph.</p> <p>14 MR. WIDNELL: Okay.</p> <p>15 THE WITNESS: Right. Are you talking about</p> <p>16 the compromise number one here?</p> <p>17 BY MR. MADDEN:</p> <p>18 Q. Yeah.</p> <p>19 A. Okay.</p> <p>20 Q. That refers to you offering to start him at</p> <p>21 17,000 to show and 17,000 to win; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. Are you aware of Paddy Holohan ever</p> <p>24 receiving a single fight contract?</p> <p>25 A. No.</p>

55 (Pages 214 to 217)